

## MINUTES

Mr. Guyot: Councilmembers, many of you know me. I am Deputy County Attorney Marc Guyot, but I do not think we really had the opportunity to talk a little bit about my background. Some of you know bits and pieces of it. I have been in Hawai'i for over 24 years. I graduated with my undergraduate degree in Justice Administration from Hawai'i Pacific University and went to California Western School of Law, San Diego. I received a Human Resource Management Certification from the University of Hawai'i, and I have a Senior Professional in Human Resource designation from the Society of Human Resource Managers, which is an international organization for human resources management. I have been licensed in Hawai'i since 2003. I have worked for the County for well almost nine years. Four years I worked as a Deputy Prosecuting

Attorney under Craig DeCosta and for the last five years, I have worked as a Deputy County Attorney. As a Deputy County Attorney I work in the areas of human resources, labor employment, EEOC, Hawai'i Civil Rights Commission, ADA, workers compensation, wage and hour, and with all of our unions. I work with all of our Departments, all of our Divisions, all of our Agencies and I work especially close with the Department of Personnel Services, as well as our EEOC/ADA Coordinator. I am also the Attorney assigned to the Civil Service Commission and the Mayor's Advisory Commission on Equal Access. I am currently the Director for Government Lawyers Section for the County of Kaua'i for the Hawai'i Bar Association and I have been doing that for the last three years. The majority of my work within the County is to advise and counsel all of the County's Agencies dealing with the approximately 1,400 employees we have in the County. I also represent the County in various administrative agencies such as before the EEOC, Hawai'i Civil Rights Commission, the Labor Relations Board, and so on. As you have heard from many of our Attorneys who have spoken to you, many of us specialize in our areas of responsibility, much like doctors, lawyers now end up having to specialize. Yes, we do learn all areas of law in law school or at least a majority of them, but yet as you go through your professional career you end up focusing in certain areas and that is a necessity much like doctors today. The time now has come for the County to have a specialized team for litigation as well. A specialized litigation team will allow the County to reduce its need for outside counsel, which as you know can be a costly undertaking by taking on more in-house representation. But more importantly it will allow the litigation team to focus on litigation and those of us who work in the advice and counsel area to focus on our responsibilities as well, of guiding the County and its Departments and preventing legal issues from arising unnecessarily or at least minimizing them when they do. So this combination of advice and counsel and a litigation team should serve the County of Kaua'i very well should you folks agree to fund it. Thank you very much. I will now turn it over to Steve Hall, one of our other Attorneys.

Chair Furfaro:

Thank you. Steve, you have the floor.

STEPHEN F. HALL, Deputy County Attorney: Good morning Council Chair, Councilmembers, Steve Hall Deputy County Attorney for the record. I have had the opportunity to meet many of you but I do not think we have ever really discussed my background. I did have a chance to watch the budget presentations while I was out of town. I was not born on O'ahu or Kaua'i. I was born in Kansas City, Kansas. I moved to Chicago sometime after that. I attended University Illinois for my degree in History and then I went to John Marshall Law School in down town Chicago for my law degree. At the time that I was pursuing my law degree, I had family on O'ahu. My sister is a Marine Biologist and she was working for the University of Hawai'i and also NOAA. That prompted me to move to Hawai'i right after law school. It was the first of several bars that I took and passed. I lived on O'ahu for about a year pursuing a legal job and never finding a full-time job. I had one waiting for me back in Chicago and with the legal market being what it was in 2009-2010, it would be foolish for me not to pursue that. So I returned to Chicago and began working for a criminal defense attorney mostly in the area of Federal and criminal defense. I eventually branched off from him and started my own law firm also focusing on Federal and criminal defense but also Federal civil litigation and State civil litigation. Through those experiences I have done numerous Federal jury trials, numerous State trials and have gotten quite a bit of experience in that area. After several years I had the opportunity to return back to Hawai'i, specifically to the County Attorney's Office and I did so. It has been a wonderful move. Upon returning I took over the Housing area, and also tax, and have been picking up litigation cases as we go. So just as a brief overview, that is my background. I can tell you that we are doing great work in litigation and we are greatly

reducing the amount of money that you will spend on Special Counsel and given the proper resources we will be able to expand those services.

Chair Furfaro: Thank you. The only question you left for us, Steve, are you a Cubs fan or White Sox fan?

Mr. Hall: I am neither, I am a Kansas City Royals fan, but I am a Bears fan. I am all over the place with that.

Chair Furfaro: Thank you very much for the introduction. Al, you have the floor.

Mr. Castillo: Thank you, Chair. Councilmembers. Thank you, Steve. Just a little bit about myself, since I hardly have the opportunity and for the people that are watching out there, that always see me on the marketplace, they ask me to talk and now this is my chance. In 2008 and I am speaking a little bit louder for my mom, because she said I can hardly hear you. In 2008, I was asked by the Bernard Carvalho Administration if I was interested in being County Attorney. It was a major decision for me. My litigation practice was very successful. Until this very day, I have a Circuit Court Judge telling me how successful it was when I left private practice to join the County. I had flexibility of time. I had to consult with many people, in fact, one of the judges basically said well if it is a decision about finances, I guess you will stay in private practice. But if it is a decision that has an active participation in serving our community, well it is about time you do that. So my choice. There were material factors in deciding to join the County as County Attorney. I had almost 15 years' as a Deputy Prosecuting Attorney, ten years of which I was the First Deputy and then 12 years at that time in private practice. Yes, I have been practicing law here on the island of Kaua'i for 32 years and have done over 75 jury trials some of which right now I cannot even remember, but in my decision to participate in County government again, one of the things that I drew on was I remember in the mid-1990s as First Deputy Prosecutor, I prosecuted a prostitution case Carl Richie that involved Monica Alves. This case was significant because all of Hawai'i was curious as far as whether or not this lap-dancing case would go through and whether or not I as a Prosecutor would be able to gain a conviction and, in fact on the morning of the trial, against Tom Medeiros and David Klein, I got a call from one of the judges saying that the defense bar is betting against you that there will be an acquittal, because no way you will be able to convict Carl Richie on a lap dancing case. Well, I got a conviction. The reason I mentioned this case is because I always wondered back then why the County settled the case with Monica Alves for \$250,000? I was curious about the decision-making process that the County goes through and this was somewhat of an intriguing factor in me wanting to join the County again. Another reason why I decided to join the County was, I remember standing on the second tee off at the Kiahuna Plantation and looking at grading and grubbing below my feet, going from the Kiahuna Plantation all the way to Kukuilono Golf Course and I remember seeing the strip of red dirt and I said wow, how can this be. What processes has the County gone through to allow for this to happen. SO those were major factors in my wanting to become County Attorney. Other factors are my foundation as who I am and who is Alfred Castillo Jr. in terms of being a local boy. My grandparents came from the Philippines both on my mom's side and dad's side. My grandfather Modesto was a crane operator for the sugar company. My dad was the head of the ILWU union and my mom was a range controller at the Pacific Missile Range Facility. I grew up here on the island of Kaua'i with a sense of community from swimming at the Mānā Swimming Pool, playing Pop Warner Football on the Kekaha football field, catching Halalu at Camp One in New Mill, catching Aweoweo at Port Allen, going and participating in the moili run at

Mahaulepu, catching oopu at the Hanalei Bridge, swimming at Fore Bay at Wainiha. Some of you know what I am talking about when I say Fore Bay. Based on all of these factors and who I was at the time, I said, it will be a good time to participate and help out and serve this community. I accepted the position. I was confirmed by the Council, and I am a very fortunate person. I appreciate everything that I have, all of the wonderful memories that I have in my five years thus far. I have a wonderful support staff. Well, it started with Joy Goto, Pam Cox, now Barbara Montemayor, Allison Hiranaka, Shayne Ventura, Michelle Vierra, and Owen Tango, the longest person working there. From 2009 to the present I have always asked our Office to provide legal services with dignity and respect. That is where we start and that is where we end. I have the...I am so lucky to have Attorneys such as Ian Jung, our land use professor. You know you can ask people like Miles Hironaka, Director Michael Dahilig on what kind of work does Ian Jung produce? What about Mona Clark? She worked for the County Attorney's Office, I worked with her for a few years and then she retired. Just recently she asked to return. That is fortunate for all of us because she is a contract specialist and as humble as can be, because she battled in her past...she battled a major oil company for us and protected us from being taken advantage of. What about Andrea Suzuki and Jodi Sayegusa? They have become our endangered species experts. I do not know if all of you know, but there are at least 48 endangered species here on the island of Kaua'i. Well, they are important enough for us to have two Deputies assigned to endangered species. Andrea is assigned to the Water Department. How is she doing? You ask the Manager Kirk Saiki, what about past Directors Roy Oyama and Randy Nishimura? I know that they have relied heavily on Andrea, because she really has a background of a Water person. As I always told her water is king. I believe that. What about Jodi? Jodi Sayegusa, I know for a fact that a litigation unit will help her immensely. Two years ago I came here asking for another position and we did not get one, but it would have definitely helped in the area of the Building Division, Automotive repair, Engineering, Highways and Road Construction, Solid Waste management, Wastewater management. Marc Guyot came up here and told you of all the things he does for the County and his background and his expertise and I did mention a couple of weeks ago that we had an avalanche of employment cases. What about Nick Courson? Nick Courson, he is assigned to the Police Department and he went to Kalāheo Elementary School and when I interviewed him, he said one of his favorite teachers was Mr. Hashimoto, and so I asked Mr. Hashimoto, how was this kid back in elementary school? And well Mr. Hashimoto is a surf buddy of mine and said, Nick Courson was a wonderful kid. Actually Nick Courson has grown to be an outstanding legal mind for the Kaua'i Police Department. We would not have had the armored car if not for his hard work and creativity. What about Steve Hall? He would be one of the persons that would be appointed to the litigation unit. He is intelligent, bright, hard-working, and most of all, humble. He has been assigned to very important cases, even if he has been here for less than a year. He will be able to provide to you or for you later the amount of work that he has done and show you in terms of how much cost-savings that he has done for our County. And last, but not least First Deputy Mauna Kea Trask, who sits beside me. Well, his dad and I went to law school together. I still remember him, Mauna Kea running around the classroom when I was still taller than him. Mauna Kea, I had the opportunity and the pleasure of doing three cases against Mauna Kea when I was in private practice and when he was the chief litigator for the Prosecutor's Office at the time. As we went through the three cases, I gained a huge respect for his abilities. He was professional, intelligent, extremely prepared, and humble. I was really honored, a few or several months later after I started with the County Attorney's Office, when he asked to join the team. From 2009 until the present he has come a long way. We have a lot more to go, but we have a great team. Mauna Kea has been involved with major projects, like Kaneiolouma, the Black Pot condemnation, and landfill. One of the things that he does not talk about is his starring

role in Fishing Pono, living in harmony with the sea, and if you watch that clip, to me it summarizes all that I know about Mauna Kea Trask. All of the good things that I know about Mauna Kea Trask, First Deputy. You know I am the chief legal advisor for this County, and the way that I look at my role as County Attorney, because according to the Charter, I am the chief legal advisor. I am the legal representative of all Agencies, including the Council. All officers and employees. The representation that I provide comes with blindfolds on, like the lady that lifts the scale of justice, the lady of justice, she is blindfolded. The scales measure the strength of the case, the sword is a double-edged sword that symbolizes power of reason and justice and the blindfold is for objectivity and impartiality. Five years have gone by really fast. It has been a privilege and an honor. I take seriously the recommendation given to me by this Council. The Litigation Plan that the Council Chair has suggested that we utilize. We are working on it and already have a draft and we have been changing our contract wording with all of the Special Counsel and our contract team headed by Mona Clark, Andrea, and Jodi. We will be done with that soon. All I have to say is that a litigation unit will give us more tools to help protect the County of Kaua'i. I thank you for your time.

Chair Furfaro: Thank you, Al. Al, I have a couple of quick questions for you and then I will turn it over to others and I believe both of you gentlemen will be ready to answer any of our questions. As you are responding to my litigation cost-management forecast, do you have a tentative date you will be able to send us your counter proposal that we can look forward to? Are we 30 days away? 60 days away? Can we say by the first of the new year?

MAUNA KEA TRASK, First Deputy County Attorney: Chair, for the record First Deputy County Attorney, Mauna Kea Trask. In respect to the evaluation and costing tracking form sent to the County Attorney, I have combined your proposed form with the form commonly requested to us to be filled out by our insurance company. I have run it by your legal analyst, Peter Morimoto. He says it looks to him like everything is covered and he had some suggestions and I incorporated those into the form and Al is reviewing them. I am using them in cases we have been served with in past week and a half and transitioning current cases into that format. So when that is done, Al looks at it and maybe in about two weeks, we hope.

Chair Furfaro: So let me restate. If I gave you by the 1<sup>st</sup> of June, you will be using this format to keep us posted? That seems to be fair and reasonable time?

Mr. Castillo: Yes.

Chair Furfaro: Okay. I understand that whatever cases are active, you are summarizing so that they would be included in the new format?

Mr. Trask: That is correct.

Chair Furfaro: Thank you. Next question I have, Al, did your Department have...and I will use your own descriptive terms here, any recommendations at this point to help reduce the avalanche of employment disputes that we currently have and how are you working closely with Department Heads and HR?

Mr. Castillo: We have...Council Chair, to that effort that is where the ounce of prevention is worth a lot. We have been doing a lot of training for the

Departments. Marc Guyot would be able to answer more. We have been doing a lot of training. That is what we have been doing. I do not know if that answers your question.

Chair Furfaro: Let me say this, do we have or should we expect a kind of employment code of conduct in the form of rules that could be posted throughout the County that indicates if there are certain discrepancies about supervisors and their performance and so forth that they can be called out on that and it is documented by the individual Department Heads? It seems we often find ourselves in a situation where discrepancies are occurring in Departments, but we do not leave ourselves any documentation as to the previous consultation, a reprimand, and so forth? Are we moving in those steps with some kind of County code of conduct?

Mr. Castillo: We are, Council Chair. We are in the process of establishing policies and procedures. Yes, we are.

Chair Furfaro: Do you have a target for that? How does that compare to what we currently have?

Mr. Castillo: I will defer to Marc Guyot.

Mr. Guyot: With the implementation last year of the HR Department, we are working with HR to incorporate those into a more formalized plan. Currently as we are dealing with the Departments, but in terms of a formalized set of management guidance tools, if you will, and specialized training that is on our agenda of things to be working on this coming up year.

Chair Furfaro: So this is a goal that is documented for both training and implementation for this upcoming calendar year?

Mr. Guyot: I believe so. I have been in discussions with Janine and her Department on that and to get the formalized idea, because it requires their Department. They now have a variety of new people in that area. When employees get trained, I think you have seen them come through the Council, new employees come to a meet-and-greet and get to see everyone. They are given packets of information. If they have any questions they have a place that they can go to ask. So not just kind of left out in the cold as it were in the past. I know when I got hired nine years ago I was shown around my Office and shown my desk and that was about it.

Chair Furfaro: That is one of the things that I think the Legal Department can assist HR in as they set up. Because I know County orientation has grown and I know HR is going through kind of a new development process here. But the orientation, I believe is a full day now rather than half a day. I guess what I am looking for something in an orientation that talks about this understood code of conduct upfront.

Mr. Guyot: I believe it comes through in at least two current documents that we have.

Chair Furfaro: And those are?

Mr. Guyot: First being the employee handbook.

Chair Furfaro: Okay.

Mr. Guyot: And the second is the County's policy against discrimination and harassment. That lists what is expected of the employees, what is expected of the employer in the event that something happens. It contains a complaint form. They are told how to use it and what they can do and in the event that they cannot report directly to their supervisor...there are two alternative reporting locations for employees and that was something that was lacking a while back.

Chair Furfaro: Okay.

Mr. Guyot: So we have taken some steps. They are small steps. I do want to address briefly the discussion of employment-related lawsuits against the County. Some of these are from years past that are now finally coming to fruition. These are long-term operations. People have two years, many times in which to sue. And very close to that time is when they may do it.

Chair Furfaro: How about do we see any specialized training for our supervisors? So that the action taken by supervisors from Department to Department is consistent? Is there any new training coming up that you can contribute to with the HR Department?

Mr. Guyot: That is an issue that we have been looking at for some time. In the County, many times, and I will use it in my trainings with employees and I hate to pick on truck drivers, but it is a very visual thing. Many times when we promote a truck driver to a truck driver supervisor, he is given a title, maybe an office, a little bit of a different job description and that is it. So here we have taken someone who is an excellent truck driver. He is now put into a management position with, absolutely no training. Where now 90% of his job is no longer driving a truck. So he relies on how he was treated and how he thinks things should be or could be done. So we are looking at providing management training on the basis of legal responsibilities of an employer in 2014. So that is on our horizon, Chair.

Chair Furfaro: Thank you very much. I am going to go around the table for other Councilmembers questions as it relates to all areas of the County Attorney's Office. Members? JoAnn, would you like the floor first?

Ms. Yukimura: Thank you. Thank you very much for your presentation this morning. I feel like there is an echo. In your organizational chart, which you have attached to your presentation, you have two litigation Deputies, and I just wondered, is there not a whole necessary support that is needed in terms of paralegals and office help and so forth? That is not shown here. Maybe I do not know if you want Mr. Hall to come up.

Mr. Castillo: In terms of the organizational chart that I provided...that we provided you, I know it basically...if you look there, there is an addition of two additional Attorneys, who will support that is there is a Personal Secretary there that will do 50% support of the litigation unit and then we will have Allison Hironaka with whatever litigation needs to be done. We will actually have right now, the way that I look at it, 2.5-3 clerks working on litigation.

Ms. Yukimura: You can spare them with the needs of your other Attorneys?

Mr. Castillo: Spare them? Well, we have our Office Manager, who is Barbara and we do have Michelle and Owen. So they all know that they will need to pick up where we need help.

Ms. Yukimura: Well, first of all, you want to make sure that all the other parts of your Office can work well and that is what I am asking about. Secondly, when you look at the overall cost of a litigation unit, these are costs as well.

Mr. Castillo: Yes.

Ms. Yukimura: So to me they have to be calculated as part of the litigation unit cost when he you compare them to Special Counsel. Because one of the benefits from Special Counsel you get the whole support from a Special Counsel unit. That is why I am asking how you are counting the apples and oranges.

Mr. Castillo: Ideally what the Cost Control Commission came out with as a result of my testifying before the Cost Control Commission, ideally we had two members, two Attorneys and one legal clerk.

Ms. Yukimura: Well, so if it is such that you are starting with two Deputies and then you are going to add a legal clerk and so forth, we kind of need to know the long-range plan. Because that is part of the costs that we weigh against the cost of Special Counsel. So that is why I am asking these questions. My other question is how are you going to determine what goes to the litigation...what cases the litigation special unit will take and you are not thinking of abandoning Special Counsel entirely, right? So you are still going to be using these two different forms of addressing complex legal problems that often go to court. So how are you going to determine which goes where?

Mr. Castillo: Well, first of all, the way that we would do it is number one whether or not we have a legal conflict? And if we have a legal conflict and our Office would not be able to do it, but the first thing we need to do in regards to this specialized unit is to create a legal barrier that separates the legal unit from litigation from counseling and drafting. I already have had guidance from the ODC on how to do that and we would have to do that first.

Mr. Trask: If I could add too, it is true, Special Counsel is a tool and it is a good tool. It can be a very good tool sometimes and, in fact sometimes even at a high-billing rate, Special Counsel can actually save you money if it is a complex case, etc. So our Office did some research in looking at what is the best time to hire? What are common areas throughout the country? We found this article regarding Community Chiefs Legal Officers stating that from time to time a community may find it necessary or beneficial to hire Special Counsel or outside counsel. This may arise in any number of situations though typically for one or more of the following you have a conflict of interest, precluding the regular counsel, which is one. A need for local counsel to testify in the proceedings. Again, municipal law offices are treated differently than private law firms. There is not a complete bar or conflict out of the office. If you have a private firm and one Attorney was involved in a matter and he or she is conflicted out, the entire firm is conflicted out. That is not how the AG's or the County Attorney's Office in Hawai'i are treated. Under a case you can separate the Attorneys and still be involved because of the nature. However, sometimes we are involved in our Department's processes, and their day-to-day operations. Like I myself, if a case arises from some programs that I have been part



of in the last couple of years I would have to testify and could not be the Attorney. We would have Special Counsel in that case. A desire to have no possible appearance of conflict. Often times conflicts do not exist, but there is an appearance of impropriety and sometime it is appropriate to step down. Workload demands will always be an issue and finally the need for very special specialized training and expertise in any area. Bond Counsel, for example, and the recent National Pollutant Discharge Elimination System (NPDES) issue. Those will always be there and the potential to be there. All we can say is that we are going to have to take each case on a case-by-case basis and be cognizant of our workload demands because Attorneys themselves have our own professional duties to say that we have so much work that we cannot handle it right now and then can discuss the need for Special Counsel at that time.

Ms. Yukimura: Thank you, I appreciate that. So how much of the workload of Special Counsel do you see the litigation division taking on?

Mr. Trask: Well, currently, we calculated our Special Counsel to be about 4% of all the cases that we handle. We have approximately 304 cases. If I can remember correctly, and Special Counsel was about 13-14 of those cases. Some of these cases throughout this process we have found appropriate to close the case files or they are in a position right now, if needed, absolutely necessary, we could probably take over the workload if they are at the appellate level, but we are seeing new cases every day and that is going to have to be a balance. We cannot estimate how many we are going to take over, given that some of them are close to being ended themselves and we would like to see at the end of the fiscal year how many of these Special Counsel cases are still active and if we need to take them over at that time.

Ms. Yukimura: I am glad you are doing that because as my perception as a client is that a good...a significant portion of Special Counsel cost could be avoided by better management of Special Counsel by the County Attorney's Office. So if you are reviewing the Special Counsel cases, I am trusting that that is going to include a review of how you are managing them. I mean, I feel like the Council in a couple of cases where we were...it was before us many, many times, we really lacked good management on the part of the County Attorney's Office. Some of this I am seeing in retrospect, but I think there could be have been much better...for example, we were not even aware of this \$500,000 limit in our insurance policy and that we needed to be looking at the accumulation of costs, because there was going to be a radical shift in who was making decisions about it. So those kinds of things I think could have been really addressed better by management of Special Counsel. This is the case that you decide the Special Counsel is the best way to go and how you manage them affect how the Special Counsel fees accumulate and how you direct them based on good case management and strategy is really important. I hope...I do not believe that just having a litigation unit is the only way to lower Special Counsel costs is what I am saying. That is all I have about the litigation unit. I have other questions, but I am thinking maybe other Councilmembers might have questions on this subject.

Chair Furfaro: We will come back to you after we go around the table. Other members?

Mr. Rapozo: I have one question, and maybe I did not get it when it was explained. How is the litigation team going to work again with the addition of one Attorney? That is where I am battling with? With one additional Attorney, with one additional Attorney that is going to create a litigation team? And I understand there are two in the budget and one is dollar-funded. But I just am not seeing how the one additional

Attorney is going to create a litigation team? So maybe you can help me understand what your plan is and I think maybe Jay asked that earlier.

Mr. Trask: What we hope to do with litigation unit is to free up my time and Mr. Hall's time to focus exclusively on litigation. One of the things...I have been lucky in my legal career having experience with working at the courts and State and County litigation offices, working at the Public Defender's Office and Prosecutor's Office that is all you do. One thing I learned in looking back at retrospect, at the PD's Office, I could take 30 cases a day to Honolulu criminal traffic, District Court, Honolulu cases and I wondered how I could turn so much work out of so many cases and it became because I was a specialist and that is all I did. If you look at your typical District Court docket, you are dealing with a lot driving without licenses, reckless driving, no insurance type of cases. After a while, you get Akamai to the issues and they really start to get reduced. So we have a lot of our cases, a lot of them are foreclosures, which we have primary lien on them and we do not show up a lot to court and do not engage in motion practice, but maintain our lien on the property and move through. Working at the County what you see a lot as far as litigation type cases are personnel disputes after a prolonged administrative process, through CBAs and Hawai'i State Statutes that deal with workers' compensation, etc. There is already a record on those and the work still needs to be done, but we see a lot of those cases on negligence and premises liabilities cases. Those are our main cases that we see as far as litigation and well as post-administrative litigation, which is permit review, contesting issues, and stuff like that. The hope is that if you put myself and Mr. Hall working exclusively on these type of cases, it is going to start off slow, but after a while as we get used to the type of motion work that needs to be done, the types of issues that need to be done, cognizant of the fact that new laws get passed every year, new cases get decided every year. Nonetheless we become more and more familiar with these issues and these cases and how the courts work and who the judges are, etc. We will be able to the work faster and more efficiently, just as with Special Counsel, they are able to specialize in a field and for them it is almost rout. One of the problems that we have in our Office, in prepping for a trial that we have shortly, there are no pre-trial litigation documents in the Office. Apparently, the County Attorney's Office has never gone to jury trial. Things like jury instruction forms, trial briefs, motions in limiting, etc. None of them exists. Those have all been done Special Counsel. Mr. Hall and I have done our best to do that and Steve is really good at using internet and West Law and Federal case load PACER system to find templates of trial briefs, find templates of jury instructions. Computers are a beautiful thing. In the practice of law, I do so much copy and pasting and you read the case and copy and paste it and cut down on drafting time. So we look to use the best technology available at the most efficient costs and use the internet for forms and hopefully show within the next fiscal year progress and money-saving by taking these cases that you will see fit to give us more Deputies. We would like more Deputies, of course. If money was no object, we would like to set up an entire litigation unit, but that is a pie in the sky, but we think by focusing our time and expertise on what we really want to do and not every Attorney wants to do litigation. We want to do litigation. We think we can do it. Being cognizant of the fact sometime it is too heavy and we will need Special Counsel, but that will only be done when we have made that decision and you guys have understood why we need it.

Mr. Castillo:

I think Steve wanted to say something.

Mr. Hall: To piggy-back on what Mauna Kea said, litigation is an art and like any good artist we need to practice our craft and while I am being pulled towards Housing and tax appeals I am pulled from doing my art. For us to really excel at what we are doing, we need to fully dedicate ourselves to this pursuit. At



Mr. Rapozo: It is fine, but it echoes. What our staff on Kaua'i does, you count the work flow that comes to our staff in comparison to the other Counties on the island, I can honestly sit here and say that we saved the County a ton of money too. Honolulu, and Maui, each Councilmember hires personal staff. \$100,000, \$200,000 per Councilmember and we do not do that here. We do not have the funds and we do not have the budget and I would like to have that, but I guess what I am saying is that unfortunately on Kaua'i, we just are forced to do more with less. If you could get that for me, I would really like to see the breakdown for the last five years.

Chair Furfaro: Before we go there, I would like to make a housekeeping announcement. The audio people came last week to adjust our mics basically because we have a number of complaints that the public could not hear Councilmembers and we are trying to get them back, but Scott also informed me that today they are working at the courts. So we do have this on the radar screen, and I am really sorry that we have a problem, but we are going to have to wait our turn for the adjustment. JoAnn, you wanted to follow-up?

Ms. Yukimura: I love that litigation is an art and I do believe that is true. If we can use the skills and passion of our Attorneys in a way that is going to be cost effective, then I think that is a good thing to do. I think that is what you are saying. I think it works only if and so we are all clear. The goal is not to give you an opportunity to practice your art, but is to do service the County needs in a more cost-effective way right? So Steve, you were saying that, I think we all know how quickly Special Counsel fees and costs can accumulate. I do think there is a real chance to do things cost effectively but it has to be with such fine management of the system. That is why I am asking questions about and if you have more to clarify how we are going to do that.

Mr. Hall: Just initially, to clarify, yes, you are absolutely correct. I do not want to encumber budget funds simply to practice my art. The whole goal is to reduce the amount of money we are spending on Special Counsel and of course that will not happen immediately where we are taking over every Special Counsel case, but I believe by allowing us to take on more cases or split them with one Special Counsel and one County Attorney it will really realize a savings.

Ms. Yukimura: You know somebody else is going to do the Tax Review Board and the Police Commission. So that may mean more positions, Deputy positions, not just for the legal litigation team, but for the advice and counsel portion. I do not know how all of this balances out. I still think that County Attorney salaries...I am not really sure, but they are certainly less than the big, high-powered Special Counsel. But again, if we do not have the specialization and we are trying to do litigation that does not make sense either. So how do you make that balance?

Mr. Trask: I guess one of the ways it can be looked at and I think Abraham Lincoln said that a lawyer's time is stock and trade. Something to that effect. So everything that we do, it just comes down to time. Any private attorney will tell you six minutes is the billable increment at 1/10<sup>th</sup> of an hour. That is what your whole career is on. Every six minutes you bill 10% of your hourly rate. We do not have that, but for example, this past year, and what Councilmember Rapozo said was correct, we all do, as much as we can with what we have got and going for instance thorough the 2491 issue when it passed through Council, I was here with you every meeting day. Whether it was an hour hearing or when it went to 3:30 a.m., we were always there with Council staff, sitting there and throughout that time, not only was I working on my opinion to you, looking at all

of the laws that were in play, learning everything that I could, I was also simultaneously working on in these very chambers, the litigation case that is going to trial right now. The difficulty is that I understand other Counties are different. We are a small County, with the smallest population, but every other County in this State has a litigation division and at least a few Attorneys that can focus on their cases. They are extremely important. So the hope is again, and what Steve says when you say "litigation is an art" you really enjoy that and enjoy the nuances and play in the game and you learn a lot about it. It is that ability to focus all our time on these cases and also you learn a lot when you are doing litigation as far as County issues that are pervasive. Our document retention. The way things are setup. The way things are dealt with. When you go through a litigation case you learn better how to prevent cases from even beginning. So you can have discussions with the Department. Although we are in this issue now, I think we can avoid it in the future if you do this or do that.

Ms. Yukimura: Especially when you have those feedback loops that is very important, same thing in Planning. There has got to be the feedback loops from the Enforcement Division back to the Planners, so that you can take advantage of what you have learned.

Mr. Trask: the benefit, too, we look to do is to reorganize the Office not only to have the litigation Deputies focus on the litigation cases, but also have the advice and counsel Deputies focus on their areas. Currently like myself, I am assigned to the Fire Department, Fire Commission, Liquor Department, and Liquor Commission. And litigation and various catch-all things. If something comes up, I will pick it up in order to assist. What we are able to do, if we can have better organized advice and counsel Attorneys who consistently deal with the same issues. If one Deputy or two Deputies handled Police, Fire, Liquor, and Civil Defense those are all public safety-related. You generally do the same things. These Departments generally work with each other. The helicopter, for instance. It is a lot of similar issues. Public Works and Planning. They circulate permits between each other. You can be involved.

Chair Furfaro: I just want to remind you Mauna Kea, you do not need our approval to do that. Your Office can structure something like that without our approval. Mr. Hooser, you have the floor.

Mr. Hooser: Good morning. I wanted to thank Mr. Castillo for your opening remarks. You did not have the opportunity last time and it made me think what we all have in common and Mauna Kea's father was...I was his client at one point and I knew his grandfather when he was alive and when Mauna Kea was a young boy. We have many friends and interests in common, I am sure. That is why really it makes it difficult sometimes from this side of the table to have these conversations, because it is no secret that I am not a happy camper with the management of the County Attorney's Office. Your team, I have not had any issues at all, I do not think with your team. My issues have been with the leadership of the team and it is no secret and you both know that and I have been vocal and I do not need to get into specific issues...actually Mr. Trask brought up 2491, but there are many other issues that make me question the judgment and the management ability of the leadership of the County Attorney's Office, quite frankly. On the surface, having a litigation team sounds like a great idea. But I do not know...I do not have the confidence that things are going to change in terms of management. Just as I believe our Special Counsel various cases have not been managed properly. I do not have confidence that the litigation team will be managed properly and I am not quite sure what to do about that in terms...we all have strengths and weaknesses. Okay? You obviously have

strengths to be there and sometimes the strength is not a good match. I think there is a problem with the working relationship between the Council and certainly many members if not a majority of the Council and the County Attorney's Office. It goes through various issues. It goes through your questions of judgment, certainly differences of opinion in judgment, I will acknowledge that. It goes to sometimes taking weeks, if not months to get responses from your Office. It comes from the settlements and the discussions that we have had in Executive Session, and I do not know the answer to this question. It is like if you are the coach of a team, you cannot just add more members. You need a new kicker, you are losing. If the owners of the team do not have confidence I do not know at some point the coach, if you would or the manager, would have to make a decision. So I just wanted to lay it out there from my perspective with regards to the litigation team. Again, on the surface it sounds like a great idea, but I am not willing to spend more money and investing more bodies without the confidence in the County Attorney's Office. You are welcome to respond, if you want.

Mr. Castillo: Thank you, Councilmember Hooser. I guess, let me head to what I think is really important. What I think is really important is fair play and substantial justice. When I hear about you County Attorney should have better management, there are problems with relationships; those are conclusions and it may be with some members of the Council, it may be with entire Council. But when I talk about fair play and substantial justice, it is in the employment arena. If there is a problem with better management well, I welcome any one of you and all of you to talk to me about it and what I will do...because no one has called me and told me I am concerned about this. What I hear is from this side of this railing and what I will do to address that is I will ask to meet with all of you to give you an opportunity to tell me where you think better management lies there. Where you think the problems are. To give me an opportunity to talk to you about it and to make adjustments, where adjustments are necessary. I hear...I hear I am not confident with the County Attorney's Office. That is your statement and as far as I am concerned, in the five years I have put together a legal team that Kaua'i is to be proud of. In the five years I have operated with dignity and respect and humbleness. What we have done in these five years in terms of protecting this community, in terms of the projects that we have done, the incredible legal creativity that we have been able to produce to me it is tremendous. Thank goodness I have a wonderful Mayor. Mayor Bernard Carvalho is the person who appointed me and I was confirmed by all, but one of you. In all fairness, if there is a lack of confidence, if there is a true lack of confidence that you have with me, then please share that with me. I will make an appointment to come over here, meet with you anywhere and let us discuss it. Because to me, that is the fairest way of you telling me where you lack confidence and why? If I need to fix it, I will fix it. I am open for discussion.

Mr. Hooser: Thank you and to be clear, I am one of seven Councilmembers and speaking on my own behalf. My lack of confidence is not in your team, it is in the leadership of the team. It is about the history and the results and the action and I believe myself, as well as this Council has repeatedly over the last year asked over and over for improvements and changes to be made, but I would be happy to sit down with you and talk about it in more detail. Thank you. Thank you, Chair.

Chair Furfaro: So Al, I am going to remind all of the members that you have made an offer to meet with them, and set up the appropriate appointments to revisit discussion about the County Attorney's organizational structure and performance and leadership issues. We will make a note of that.

Mr. Castillo: Thank you. I will have Barbara call Council Services today to try to set up those meetings. I look forward to them, so I can understand where the Council is coming from. Thank you.

Chair Furfaro: Vice Chair Chock, you have the floor.

Mr. Chock: Thank you, Mr. Castillo. I would like to repeat what Councilmember Hooser said in terms of getting to know the people behind the work is really important and a good first step towards building more of the relationships and team-capacity. I have not been around for very long, but in my short time I have seen some of what is being talked about around the table in terms of concerns and along the lines of that, I am looking forward to being able to increase our capacity and increase our efficiency. So I like what I am hearing. I do not think the solution to trying to get to solve some of these issues in terms of spending too much money or some of the management is to cut this Agency's legs out from under them. However, I do think there is a lot of work that could happen from now until things start to roll forward in terms of putting together a better management plan. I have a few questions. The first question is can you outline the cost of the litigation team? I see different costs in this budget and you might have shared it previously the last time we met. Just so I can get a better understanding of the costs. I see \$20,000 here and other costs, what is the total cost of the litigation team?

Mr. Castillo: The total cost of the litigation unit will basically...we have asked for our original request which was for two Attorneys and the Legal Clerk. Two Attorneys at about...if I am not mistaken \$94,000. Actually that is \$94,000 plus everything that comes with employment. Plus the fringes is like 47%. So we are looking at about if my math serves me correctly, \$350,000 if we are looking at two Attorneys and a Legal Clerk in that neighborhood.

Mr. Chock: Just to confirm, an additional \$350,000 per annual budget is what it would cost us to move forward with this plan to have a litigation unit?

Mr. Castillo: If we have the unit that consists of two plus one. That is two Attorneys plus one Legal Clerk.

Mr. Chock: I think the Chair has a follow-up.

Chair Furfaro: Al, for us, this is your first...so if you showed something to the Administration that referenced two Attorneys and clerical support...we never saw it.

Mr. Castillo: I am sorry.

Chair Furfaro: What we see is one full-time Attorney for litigation and one dollar-funded.

Mr. Castillo: Council Chair, I realize what you see there, but I am referring to the Cost Control Commission's communication to the Council that was done a few months ago.

Chair Furfaro: I read through that, but what came through in our budget was not the same as this organizational sheet.

Mr. Castillo: I understand that.

Chair Furfaro: Within the organizational sheet, there are critical errors because you do not have two different Attorneys unless they are reporting to...I believe this is Mr. Jung is not a Division unto himself. If they are the legal team, to fight litigation, they should be stacked on top of each other and whenever there are more than two people together, one of them has to be in charge. So are they acting independently, which is not reflected in your budget? And are they reporting to Mr. Jung or Mr. Mauna Kea Trask? The organizational chart is not that clear.

Mr. Castillo: We will revise the organizational chart.

Chair Furfaro: You have the floor.

Mr. Castillo: I am sorry, Council Chair, from the time we submitted the organizational chart to now we have had some changes in our Office. So we will correct that.

Chair Furfaro: Thank you for acknowledging that. But I am telling you any good organization, when you have two people together, one of them has to be in charge. You cannot have two people operating independent of one another, which is reflected in this organizational chart. I am just pointing out that to you. I am not telling you, Mr. Jung is not capable, because I know he is more than capable. But I keep hearing that Mauna Kea is the person leading this, but yet your organizational chart says they go through Mr. Jung. So the numbers do not match with what we have got with the chart. I just needed to clarify that. Vice Chair, you have the floor. I just wanted to get that clarified.

Mr. Chock: It reminds me of some stories of leadership, where you can bring together amazing people, talented, gifted people and still not be able to get things done as efficiently as possible. It really takes the kind of leadership, where we are bringing all of the pieces together. I think from the County's perspective, this is unique and not like a regular law firm. You need this communication piece, which is what we are asking for and I hope to look forward to. I am thankful for the opportunity to continue to meet. My request would be that prior to meeting that we do have something a little more comprehensive. We have had a lot of discussion across the railing questions and coming back, but to come prepared with management plan that would talk about how we will deal with specific areas, such as Special Counsel. A step-by-step by process. Because we do not want to micromanage the things that you folks need to get done, but need to know exactly what is happening. The communication process is so important for us in order to make some good decisions. I would expect rather than just having a conversation and meeting with us, that we have something to look at and we can do work together with you so that it is more efficient. With that, the questions that I would have is...I feel it would not take that much and there are grants that would build capacity for a team like yours and ask if you have looked at any of those to move us forward?

Mr. Castillo: The question, Vice Chair, is that are there any grants out there?

Mr. Chock: Let me just say, it is not a question. I know there are many capacity-building grants and I think they would be very helpful to this



current situation. Again, the only thing I would end with, I think I am looking for opportunities for us to grow better and more efficiently and more productive. That is all.

Mr. Castillo: Vice Chair, we have...I will be able to meet with all of you and talk to you about the role of the First Deputy and the role of the Senior Deputy, which is Ian Jung and how both of them will work out...how the three of us will work out our new system.

Mr. Chock: Thank you.

Mr. Castillo: Thank you.

Chair Furfaro: Any questions on the litigation team before we move on? Continue, JoAnn or moving on?

Ms. Yukimura: It is on the litigation team. You are showing an additional cost of \$292,000 or about \$300,000 in your budget right now that is before us. \$150,000 is for Special Counsel, although that is off of your \$500,000, rather than the \$1 million that you are ending with this fiscal year, right? Because we just added another \$500,000?

Mr. Castillo: You added another \$500,000 to cover whatever Special Counsel costs that could run us through the remainder of this fiscal year.

Ms. Yukimura: Right. So an accurate budget of this \$292,000 is the difference between your 2014 Fiscal Year budget and your 2015 Fiscal Year budget, but your 2014 Fiscal Year budget is minus \$500,000. That is how much was actually eliminated from your budget. We put that back recently. So you are actually projecting \$650,000 as your Special Counsel budget for this coming year, which is down from an actual of \$1 million. Is that right?

Mr. Castillo: Yes, yes.

Ms. Yukimura: So what I am saying, what shows as an increase is not as much if you consider that there is half a million dollars missing from your 2014 actuals. What I feel like you are showing, you are showing additional litigation costs, but you are lessening your Special Counsel costs. So you are showing that you think the litigation team will cost \$300,000, but it will save you about \$300,000 or more. \$350,000. Do you see?

Mr. Castillo: I see.

Ms. Yukimura: So that is what we need to understand. I think that makes sense that you are saying we are having this additional cost of a new litigation team, but we are going to be saving moneys in the Special Counsel account and we hope that savings to grow as we develop our team.

Mr. Castillo: I agree. Thank you.

Ms. Yukimura: Okay. I just figured it out myself. So I am just sharing that, so that we can all be kind of on that same page.

Chair Furfaro: Excuse me, JoAnn. I do want to say that I did share that last week and I referred to it as a "reforecasted amount in Special Counsel," we should be comparing \$1,035,000 because we allocated that additional \$500,000. We should use one term and let us at say it is at the "reforecasted amount" in Special Counsel.

Ms. Yukimura: I have been calling them actuals because I am expecting that you will spend that but reforecast is more accurate.

Chair Furfaro: In accounting terms, the year is not over and it is reforecast. If the year is over, it is actuals.

Ms. Yukimura: I understand, Chair. I am taking the reforecasted amount and seeing what that means in terms of the plus / minuses budget that was calculated based on a budget before the re-forecasted amount. So I just want to ask, you say you have 304 cases pending per year, approximately. Is that what I heard you say? I think you said you had Special Counsel of those and they took care of 13-14.

Mr. Trask: Something like that. I am referring to the slide in our presentation, like the third slide...

Chair Furfaro: Excuse me, may I interrupt? I have to be at a 10:30 a.m. appointment and I will turn the rest of your review over to Councilmember Rapozo. As soon as Mr. Hooser comes back and Al, I will send you your organizational chart so we can talk about it again. I want to make sure that we understand, I do not want to create a proliferation here of bureaucracy. I want this Department you want to be able to have objectives and the support that they need and the long-term goal is to reduce our Special Counsel costs. So I will send this back to you when you setup time to meet with me.

Mr. Castillo: I appreciate that.

Chair Furfaro: I will be stepping out when Mr. Hooser gets back. Thank you. Mel why do not you take it from here? JoAnn has the floor.

Ms. Yukimura: So you were explaining?

Mr. Trask: I was just referencing slide number five of the presentation, and the role of the County Attorney and Deputies, appears in court cases. I believe that 304 are the current cases in the aggregate that we have. My recollection approximately 12-14 of those are Special Counsel. That is per my review of working with you these past couple of weeks.

Ms. Yukimura: Not percentage, but actual case numbers? 12 to 13 cases?

Mr. Trask: Special Counsel cases, correct.

Ms. Yukimura: Appears in case, 304 cases, and 13 or 14 are Special Counsel cases.

Mr. Trask: Correct.

Ms. Yukimura: Okay. So for example the tax review cases, which often become tax court cases, right? But are more perfunctory, that is not what the litigation team will do or it is?

Mr. Trask: Again, we are trying to figure out how to best work it. Like you said, like those cases, they tend to be easier. We want to take everything into litigation exactly and how quickly we can make that transition is another issue, but we want to handle all litigation within the litigation team.

Mr. Castillo: However, Councilmember Yukimura, there are some tax issues that are very complicated.

Ms. Yukimura: Yes. I would imagine the litigation team would take those.

Mr. Castillo: Yes. The cross training that we are presently doing in our Office helps us in our litigation efforts in the tax arena.

Mr. Trask: Also regarding working the case, in those cases, where like the Deputy often handles the real property tax assessment cases if the case is really complex, the litigation Attorney would be the lead and the Departmental Attorney would be second Chair and they could assist in getting documents and finding out who witnesses are and we would work together with them to prosecute the case.

Ms. Yukimura: Okay. Well, your person who is assigned to the Tax Appeals Board will be doing that work of counseling them, right? And sitting in on those meetings? Taking the perfunctory cases up to tax appeals court? When it is complex, the litigation team would take over, I would presume something like that?

Mr. Castillo: Yes.

Ms. Yukimura: Alright, I am done with questions on the litigation team.

Mr. Rapozo: Thank you, any other questions regarding the litigation team or any other questions for the County Attorney? Go ahead.

Ms. Yukimura: I am very glad if you are advising employees on a variety of issues and supervisors, whether it is sexual harassment, even endangered species or whatever, things that we need to know in the course of our work. What about ethics counsel? Are we advising employees on ethics? Do we have a systematic way of training them in ethics?

Mr. Trask: We do ethics training. We do general Boards and Commission trainings and we counsel our clients constantly when they have issues. That is really when it comes up. I know myself I have advised on ethics issues for various officers and employees and, in fact, in the past I have sought advisory opinions on behalf of officers.

Ms. Yukimura: I am asking about...I am not asking about one-on-one counseling. I am asking about training on the general ethics principles?

Mr. Trask: Yes, we do.

Ms. Yukimura: The use of County property for private purposes. Doing work in the private sector while you are regulating from the public sector? Those kinds of issues? Are we training them in those areas?

Mr. Castillo: Yes, we have both training that we have to comply with either online with the County's training that we receive certificates and we also have live trainers come periodically?

Ms. Yukimura: That is the one I have never done. In ethics?

Mr. Castillo: We have had ethics also.

Ms. Yukimura: Okay.

Mr. Rapozo: Any other questions? You guys coordinate that or does HR coordinate that?

Mr. Castillo: HR does.

Mr. Rapozo: I would assume HR does.

Mr. Castillo: HR does.

Mr. Rapozo: I do not recall seeing anything come our way, but we can ask HR.

Mr. Trask: Regarding our Boards and Commission members, we work with the Office of Boards and Commissions to do it and that is an annual training, I believe.

Mr. Rapozo: I think Councilmember Yukimura is more targeting the general workplace, because we get the invitations for the Boards and Commission trainings, but as far as employee training in the workplace. Go ahead.

Ms. Yukimura: Thank you. I track the Boards and Commissions training. I have not seen that many ethics trainings. I have seen parliamentary procedure and I have seen...

Mr. Trask: Well within the Boards and Commissions training we have a specific section on ethics that we have been working with.

Ms. Yukimura: Okay. Thank you.

Mr. Rapozo: Maybe we can send over Scott something to HR or Boards and Commissions and get a breakdown of the trainings? I know I keep getting reminded about all of the online trainings that I never took one yet and I keep getting the E-mails saying that you have not done it yet. I did the first one, about how to lift crates. I did take it, but I never took it after that. I guess because working in the hotel and the hotel the way they do is so different. Basically you have to go and you go to the training or you do not work for the hotel any more. I think this County with its track record and not just this County because every County suffers the same problems. We just do not train, you

know? We give them a manual and say read it and initial here and they initial it, they do not read it and we run into problems. We can check with HR and Boards and Commissions as far as maybe an inventory of the trainings that they have had over the last year or two?

Ms. Yukimura: They may be stricter with the online training of employees than they are with Councilmembers.

Mr. Rapozo: Yes.

Ms. Yukimura: That may be good, but not for Councilmembers.

Mr. Rapozo: It would be interesting to see how many actually conclude it, because I know we spend quite a bit for the online tests. It will be interesting to know how many people are actually taking it.

Ms. Yukimura: Perhaps we should ask for an evaluation of that to HR? They have already come before us, but a follow-up question.

Mr. Rapozo: Okay. Any more questions? I have one question. Have we ever given any thought to bringing on a mediator / arbitrator...what do they call it now is Alternative Dispute Resolution person? That is an idea I had many years ago. Many of the cases that come through this County could be resolved early on without litigation. I bet there are people out there, and, in fact I know KEO offers it. Get a judge, a former judge or someone that specializes in Alternative Dispute Resolution and using that avenue prior to denying a claim. In other words, all claims would come through would get processed through like a mediator, an arbitrator, or staff. Or even outsourced. And process the claims that way? Have we ever given that any thought, Al?

Mr. Castillo: To me, it would be difficult to just have one person as a designated mediator, because when you come to that junction of deciding on mediation, if you have...if you do not have a choice, then it will be hard / difficult to force one party who objects to the certain mediator. I know for a fact that in all of our cases, that we talk about settling the case before going to court.

Mr. Trask: If I could just piggy-back on that real fast? A lot of claims that come in under the County Charter, I believe it is 23.06 is the claims review process...it goes with the County Clerk and goes to the County Attorney's Office for damages or injuries to persons or property from negligence. A majority of the attorneys and the claimants we are able to work this out with. We send letters if they are unrepresented. We send letters if they are represented and usually we can work it out. In those cases you are not always able to, for whatever reason. Sometimes it is the Attorneys, you know? They know what they want. They know what their case is worth and they are not going to buckle and we do not agree and it has to go to litigation. With the personnel and administrative processes, they go through their own administrative process. If you have a Collective Bargaining Agreement in place, that is going to trump it and there are those steps that are like mediation and ADR and the only times we see them are years, three, four years that they go to court because they still want to go. If it is appropriate we look to do mediation and settlement. A lot of times it is difficult to get that at that time because they have already gone through so many administrative steps to get to that litigation point. It is difficult to go mediation at that time, but we are always trying to.

Mr. Rapozo: JoAnn?

Ms. Yukimura: I think Councilmember Rapozo's idea of trying to solve things before going to court is a really good one. I just want to say that I think mediation is appropriate. Arbitration is just like a contested case and it is binding and so I do not know that it has that much advantage over a contested case. But mediation, which is a voluntary process that explores possibilities and can give the parties a realistic view of their chances in court is very valuable. I hope if there are opportunities to incorporate that or convince reluctant counsels to go into mediation, that that would be part of your management of Special Counsel and educating the County Council.

Mr. Rapozo: Any other questions? No more questions? Okay. Thank you. Al, I guess I do want to just mention that regarding Mr. Hooser's comments about the confidence and you made a comment that you have never been informed, but I have got to tell you that when we are in Executive Session and although we cannot discuss what we discuss in Executive Session, I think there has been a lot of concerns raised behind that door. Whether to you or your Deputies, I think that has been quite common. So I think some of the concerns have been raised. So I just think that needed to be said. The other thing is and I heard someone say it earlier today...I cannot remember who it was...about reducing the Special Counsel costs. If we can reduce the Special Counsel costs through management of the contracts, I think it frees up more money that you can use in your Office in other places like a litigation team. Because I agree, I think a litigation team properly run would definitely save this County money. The Police Department in Honolulu has a white-collar Department with a Captain and two Sergeants and a bunch of Detectives and Kaua'i has one Detective that is supposed to focus on white-collar, but he has other demands and cannot just focus on white collars. So I think if we can do it, that is the way to go, but I think also we have a lot of money laying on the table...or at some point was laying on the table and goes to Special Counsel. We had the briefing on the 2491 defense, our Special Counsel defending the County and he showed up with two associate attorneys. Two associate junior, young attorneys, that aside from I guess wanting to be here and get experience, I do not think we should be paying for two junior attorneys, their airfare and their time, because they still get paid. Maybe not, as much as Mr. Minkin, but probably a couple hundred bucks an hour. Why did they have to be here? Why? To be introduced? That whole briefing could have been done on the phone. There were no displays or exhibits or PowerPoints. That is the frustration from the Council, when you look at the Special Counsel costs that continue to get bigger and bigger and often times it could be done with a phone call. It bothered me and it is not their fault, they were told to come and they were here and we paid for it. Just the airfare and things that may be minuscule in each incident, but added up throughout the year is a lot of money. Do they have to be here? I do not think so. So I guess my point, as we go forward and we have got to be able to cut some of that money. I mean, it is just excessive and Mr. Hall will come up and say they were not paid. I am sure he will come up and say they were not paid.

Mr. Hall: I am not sure if they were paid, but I am shadowing the bills and there is a lot of it that is for free. So I will pay special attention to that point and make a point of taking it up with Mr. Minkin in case there were charges because it is a very valid point.

Mr. Rapozo: It is a very valid point and I bring it up, because that is what concerns me. I am not sure when these things happen I am not sure how it works. Does the Special Counsel have just carte blanche? Bring who you want and we will pay? Or hey, is it County Attorney's or Mr. Hall or Mr. Castillo, can I bring my two junior associates to meet the Council and are we giving them approval? I do not know and I am

not asking for that answer here. I am just saying that we as the managers of that contract should be watching those things and when he shows up with two junior counsel somebody should say we are not paying that. I am just airing my concern because I think it is important. When I look at Special Counsel cost continuing to rise and the \$650,000 Special Counsel costs, Al that is not sufficient going through next year? I know we do not know. We hope it is sufficient.

Mr. Castillo: For me, if we had \$2 million I would ask for \$2 million.

Mr. Rapozo: I went through the minutes of several Department's budgets in preparation for this year's budget and Al has been obviously not his wishes to have the reductions in the Special Counsel. So I guess it was forced on him. But I think Al, at this point you have got to tell us what you believe your Office will spend. You do not have to do that today, but with your team here, sit down and figure out, what do we expect to spend with the pending cases, because we have a few big ones still continuing and it is going to get up there and we want to make sure that we on the Council know. Because you saw my position on the extra money. It was not just for the County Attorney, but for Solid Waste as well. Budget properly, so we do not run into the problem of three months, four months before the end of the year looking for money. We have got to make sure that we get the accurate numbers upfront.

Mr. Castillo: I guess in terms of Special Counsel and the coordination of...and we used an example of David Minkin coming over with two associates. There are times that we, the County Attorney's Office, tries to coordinate with the counsel as...with the Council and the Special Counsel as far as who is going to be here? When? Can we just do it over the phone? Since I am not privy to anything to do with 2491, that I can tell you that I do not know, because I am not the only person that is recused from 2491. On the Council's side is Mona Clark and Mauna Kea and I and the rest of our Office is conflicted out.

Mr. Rapozo: I just used that because it was recent memory.

Mr. Castillo: I know it was just an example.

Mr. Rapozo: I think David Minkin is a great Attorney and I think he will defend us well.

Mr. Castillo: Yes. I am very happy that he is charging this County in quite a reasonable fee. So to me that is outstanding.

Mr. Rapozo: JoAnn?

Ms. Yukimura: I think your point, Councilmember Rapozo, as an example of how Special Counsel is managed, that point was a really good one with respect to the 2491 recent briefing. So my question is, is the litigation team going to over manage all Special Counsel? Is that also going to be part of it? I mean because that is a huge time burden to me. Yet, I like that people who know litigation are monitoring these big litigation cases of Special Counsel, because they would know how to manage Special Counsel. I think there is some...I think there is some training that could go to other Attorneys that are dealing with Special Counsel. But that is a question in terms of how you are going use your

litigation team? And how you are going to manage Special Counsel, which is the two strategies that you are proposing for being effective in your work, cost effectively.

Mr. Castillo: Councilmember Yukimura, for the most part if the contract with Special Counsel allows the County Attorney's Office to be named as co-counsel also...the reason I bring this up, there are times where we can manage the Special Counsel contract where we take an active role. There are times if it is a conflict, we cannot take an active role except for monitoring the contract. So I do not know...I agree that for us we can manage Special Counsel in cases where we are able to manage.

Ms. Yukimura: Well, and hopefully that is not only where you are co-counsel. I mean there would be other cases where you are not co-counsel where you should be actively managing Special Counsel.

Mr. Castillo: We will actively manage where we can. I agree.

Ms. Yukimura: So where there is a conflict of interest, the question is how and who manages Special Counsel? Because that is still important. It can get really out of control if there is nobody first procuring the proper Special Counsel under the proper terms, and then monitoring it to make sure that they are properly serving as Special Counsel? To me those are really critical things. I have seen Attorneys, Special Counsel, who just let the clock tick, make a lot of money off the County without getting us being strategic and advising us in the way that we need to be advised. So that is an issue that has to be addressed.

Mr. Castillo: Yes. We look at the billings and there are times that we question the billing.

Ms. Yukimura: Who is going to do that in your Office?

Mr. Trask: I was planning on doing that. Speaking earlier to Councilmember Rapozo I would take responsibility for that moving forward and that is what I would like to do to the maximum extent possible to learn that side of it and track Special Counsel. It would be part of the litigation unit.

Ms. Yukimura: You know, I think...I do not know if it is...we are talking about practice. When Special Counsel is advising the Council, there is a County Attorney usually in the room has to know how things are going and dealing with and has to know when to step in to advise and manage Special Counsel or advise the County Council on its rights vis-a-vis Special Counsel or the issues? You know, we have seen that many times. So that is a lot of time, and I do not know that the two litigation Attorneys are going to be able to do that. So it may be your other Attorneys who are very competent, especially if it is in their area, you know? If it is Housing or NPDES or whatever to advise us on the Special Counsel.

Mr. Castillo: It will be primarily be either myself or Mauna Kea.

Ms. Yukimura: Okay. Well, then there are things, like if there is ever...I mean you two should be monitoring if litigation is exceeding our litigation limits where the insurance company is coming in. We need to be told that upfront at the very



beginning and that has to be part of the full strategy, our legal strategy, right? That we are going to figure out how to solve this case before \$500,000 or whatever is the limit is.

Mr. Trask: I think your question illustrates a lot of the issues and what could be construed as difficulties in this area. There are a lot. You said it yourself and the new tools that we are looking to implement the evaluation sheet and the litigation cost sheet and the good thing about blending the insurance form with the form presented by Council Chair is that it addresses those issues, both for plaintiffs and defendants. If you can best utilize that tool it will help not only that, but we work with our Office Manager and it is a big job, but again to work together is what we need to do.

Ms. Yukimura: I have not paid a lot of attention to the form that the Chair sent, but it may give us the structure that we need and the demonstration that we are learning from our errors and systemizing a process that will give us the red-flags that we need to be conscious.

Mr. Rapozo: Thank you. Mr. Chock.

Mr. Chock: Just a follow-up on previous conversations that Councilmember Yukimura was mentioning about...I think Councilmember Rapozo on the Alternative Dispute Resolutions. We have been working on one, Ashley and I and passed it to Mauna Kea, but part of the request is to look at training as well. We are trying to figure out how do we make it a little more substantial? We cannot stop people from moving on claims that are important to them, but do you know of any kind of specific training or something we might be able to offer? I was thinking about being able to layout the importance of deterring these kinds of costs and moving towards mediation rather than directly into trial?

Mr. Trask: The best thing I can say, I am sure there are opportunities out there. A lot of the stuff, there are currently implemented processes, like our trainings, postings, information on the wall. The employees, the interaction with their unions are a great opportunity for conversation to speak to the unions and speak to us. We are also facing a cultural shift and I do not want to minimize this. The society is turning more litigious. So a lot of things that we see, we are able to succeed and dismiss cases once it gets to litigation. But people want to go. A lot of people have it in their mind, if I sue this and flex my muscle and the County will throw some money at it and the County of Kaua'i does not go to trial and we are facing that, too.

Mr. Castillo: An example is if you are involved in a CAP arbitration program. We just recently participated in a case where I represented the County. Mauna Kea represented the County and another Deputy County Attorney represented the County. In this arbitration program, the case was presented to the arbitration judge. It is almost like some sort of resolution, right? Even if we...to me, we prevailed soundly. That did not stop the plaintiff from completely disregarding the arbitrator's ruling and we are back in court again.

Mr. Trask: On that one, it was excessive force case, allegation of excessive force. The arbitrator found zero liability. Awarded zero damages on behalf of the County or on behalf of plaintiff. Plaintiff's Attorney proceeded to trial nonetheless, I mean proceeded to court and we filed our motion for summary judgment and succeeded on that. It is in the ICA and got our opening brief last week. A lot of times again,

we do not direct the litigation and often times do not cause the issues, but have to deal with them.

Mr. Chock: We are thinking front-end, someone is hired by the County and gets a briefing and orientation. This is what happens. This is what it is going to take this and I want to look at that a little bit more with you folks. So thanks for being open to it.

Mr. Rapozo: Thank you very much. Mr. Chair, we are up for a caption break right now. I do not know if there are any more questions for the County Attorney? Do you have any more Mr. Chair? Let us take a 10-minute caption break and be back with the Kaua'i Police Department and the subsidized vehicles.

There being no objections, the Committee recessed at 11:05 a.m.

There being no objections, the Committee was called back to order at 11:21 a.m. and proceeded as follows:

## Kaua'i Police Department – Subsidized Vehicles

Honorable Mason K. Chock, Sr.  
Honorable Gary L. Hooser  
Honorable Mel Rapozo  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro, Council Chair

Excused: Honorable Tim Bynum  
Honorable Ross Kagawa

Chair Furfaro: We are back from our brief recess. Chief, good to see you this morning and Deputy Chief. The call-backs are intended for specific areas and in your case, we want to talk really about the automobile situation is the primary reason for the call-back. I am going to turn over this segment of the meeting to Mr. Rapozo. He is the aficionado of Police vehicles.

Mr. Rapozo: Thank you, Mr. Chair. I see you have a PowerPoint.

There being no objections, the rules were suspended.

DARRYL D. PERRY, Chief of Police: We have a presentation.

Mr. Rapozo: You may begin.

Chief Perry: Before we begin, I was remiss in our first meeting that I did not mention other financial people that were in the Department before Evelyn Branco and Patricia Layosa who used to help us with our budget programs. In terms of Police collisions and arrests and fatalities and this is something that is related to the concerns that we have. About 40% of the Officers who die in the line of duty, as a result of Police vehicle collisions or something related to traffic. Now it does not all have to do with the vehicles themselves, but it is a large number of Officers who are severely injured or killed in the line of duty with regard to Police vehicles. These circumstances vary, but the situation that we have here, we feel that we have to provide, as you do, the best tools for our Officers to keep them safe, not only them, but the public safe. So the presentation we put together will be presented by Deputy Chief Contrades.

MICHAEL M. CONTRADES, Deputy Chief of Police: Good morning Chair Furfaro, Vice Chair Chock and members of the Council. For the record, Michael Contrades, Deputy Chief of Police. I have a very short presentation, mainly to do with the subsidized vehicles and the current state of our fleet. Right now KPD...this is a chart of KPD's fleet that are six years or older. With a breakdown of where those vehicles are located, either in Patrol, or in the ISB-Investigative Services Bureau or the Administrative and Technical Bureau. As of today, we have one 2000 vehicle, nine 2001 vehicles, six 2002, one 2003, eighteen 2005, eight 2006, twenty three 2007, and fourteen 2008. By mileage, many of our vehicles are 100,000 plus miles. The majority of them are in the Patrol Services Bureau because of the amount of travel and patrolling that they do, but in total, vehicles with 100,000 plus miles we have 23, 90,000 plus, six, 80,000 plus, 12, and 70,000 plus, 15. Our

five-year replacement plan in order to follow this replacement plan and I wanted to thank Chair Furfaro. I recall last year he brought up in terms of the Department having a policy in terms of vehicle replacement and that policy is working its way through the unions at this point. It is based upon the Maui Police Department's policy and I believe Maui was the only one who had something in writing, if I am not mistaken. In order to follow that policy, we would need to replace 29 vehicles this year, because we have vehicles that are between the 100,000 and 90,000 miles and estimate 12,000 to 14,000 miles placed on a vehicle each year. So this year we would need 29 vehicles. Next year, 27. The following year, 18. The year after that, 18. The year after that 11 in order to stay within that policy. Our recommendation and I know we discussed this at the last Council meeting, but we would like at some point to subsidize all of our Sergeants and above and that would require 30 more subsidized vehicles. We are not of course asking for that this year, but at some point over the years in order to do all of the Sergeants and above, we would need 30 more subsidized...authorized/subsidized. Of course the question is why not subsidize Officers and these are the concerns that we have...I know other islands have faced this in terms of community concerns with visibility. We have a concern, our emergency vehicle operations of course instructors have brought up this concern to us in terms of pursuit rating. A lot of...all of our fleet vehicles are pursuit-rated. They have certain extra features that make the vehicles safe and less potential for turnover. The other concern is transport of prisoners. The subsidized vehicles are not allowed to transport prisoners because there is no cage for safety and one of the reasons we would not want to subsidize Officers is someone has to do the transporting of prisoners. Working with the Finance Department we did a side-by-side comparison of fleet vehicles that are leased or County-owned versus subsidized. Based on all the various factors we estimate there is a cost savings to the County, if you look at eight, the number of vehicles being eight of them, \$77,000 cost-savings.

STEVEN A. HUNT, Director of Finance: Some of the assumptions that went into this analysis, although we do not have an incremental car cost of insurance, we did put that in on the lease side at \$598...but that was based on our current policy, our insurance policy that covers all of the fleet vehicles and an allocated portion including some of the claims payouts for damages that we have had. We factored that into the analysis, so making sure when we compare the insurance to take out for the subsidized vehicle that we were allocating some portion of our current insurance against each of the existing vehicles. This is not to say it is an incremental cost, but a cost we can allocate per vehicle over our existing fleet. So even without that it is very close to showing that the subsidized vehicle even without the insurance differential would produce a positive number. Again the intent is to do this for non-pursuit / non-patrol vehicles because that would have an effect on operations. We are keeping this not just for the economics but the operations came into play. Another big pro, when you bring in a subsidized vehicle as compared to a lease vehicle, the subsidized vehicles can be brought in almost immediately. The procurement for a leased vehicle can be anywhere from 24-36 months before the RFP is issued before the vehicle makes its way into service and not disrupting the chain of having a certain number of vehicles being replaced annually. One of the challenges of trying to bring in 29 or 27 vehicles all-in-one year is you are creating a potential spike in a future year when those same vehicles leave. Although we have disrupted it by having a couple years where we did not procure vehicles, trying to make up for it in one year is just setting ourselves up for having that spike. So we are trying to look at a combination of both subsidize with an immediate infusion as well as a potential lease fleet vehicles for the Patrol that is 18-24 months down the line, even though it is in the budget we could have some effect immediately.

Mr. Contrades: The next slide has to do with the ten-year growth plan. This last slide of the subsidized vehicles.

Mr. Rapozo: Thank you. Any questions? Councilmember Yukimura?

Ms. Yukimura: On your last slide a facilitator would do what?

Mr. Rapozo: That was not for the subsidized vehicles, right?

Mr. Contrades: No.

Ms. Yukimura: That is separate?

Mr. Contrades: Yes.

Ms. Yukimura: Okay. I was trying to figure out the connection. Maybe you can go to others.

Mr. Rapozo: Chief, I had one question on your estimate of 12,000-14,000 miles driven each year on average. That is based on the take-home car program?

Mr. Contrades: That came from our fleet coordinator for our regular fleet vehicle.

Mr. Rapozo: Right.

Mr. Contrades: That is an estimate. It varies.

Mr. Rapozo: If the take-home car program disappeared and we went back to the straight fleet, those cars would be running much more than...?

Mr. Contrades: They definitely would not last the amount of years.

Mr. Rapozo: That is important to note that that is based on the Officers taking the car home and they are running for one shift and going back to the true fleet where it used to be, those cars are doing at least twice that and sometimes even three times that because the car does not come off the line and goes from one shift to the next shift, to the next shift. So I think the take-home car program was a brilliant move in more ways than one and the Officers tend to take care of the car better if it is their car.

Mr. Contrades: Absolutely.

Mr. Rapozo: Chief?

Chief Perry: I did not identify myself the first time. Chief Perry, Kaua'i Police Department. I wanted to add to that. Now the mileage is an indicator, but it is not the only indicator, because our Officers are at scenes where they have to keep the engines running for an amount of time.

Mr. Rapozo: Thank you, Chief. Any other questions? Mr. Chair?

Chair Furfaro: So I am going to direct this to Finance. If I am looking at a number that we are targeting Sergeants and above and so forth, how many vehicles of the 100,000 class would that allow us to retire and how many years would it take us if we are doing eight vehicles, around...what kind of attrition of the old vehicles do we have?

Mr. Hunt: I think the first question can be answered because we already have newer vehicles that are pursuit-rated Patrol, that are being issued to Sergeants and above, if we went to a subsidized program whether it is currently in the program showing eight leased vehicles that are Patrol. If those eight were moved into subsidized, that would have an immediate impact because we could take eight of the much newer vehicles, probably the SUVs and move them into Patrol. So that would have a positive effect on Patrol. Not necessarily that impact on the ISB side. Beyond the eight that are leased, I think there are 10-12 vehicles that could be moved into Patrol from doing that. Beyond that, it would have to be some sort of a combination of both subsidized and leased because at some point again, I think the arguments were made that they do not necessarily want to subsidize the Patrol because of issues with transport of prisoners and other things. So it would have an impact on operations to do it that way.

Chair Furfaro: So if I read the math right though, based on the number that we have in the budget right now, and the savings projected at \$77,000, we could actually do nine vehicles without changing the budget.

Mr. Hunt: Close to it, yes.

Chair Furfaro: Close to it?

Mr. Hunt: Yes.

Chair Furfaro: Let me ask the Deputy Chief how he feels about this financial pro forma?

Mr. Contrades: Right now in Patrol, I am told there are 8-10 Sergeants and above that would be willing to participate in the subsidized vehicle program. There are a few Lieutenants who are near retirement in a year or two and it is not worth it for them to take out the loan and deal with the loan. So we have about 8-10 who said that they would be willing to go to subsidized. Of course, those vehicles that they drive would be pushed down to the Officers, and they are newer vehicles and they are very nice vehicles. So that would help us on the Patrol aspect. However, on the Investigative Services Bureau side, we would need some subsidized vehicles for them as well. They do have a number of vehicles that are well over the allotted time period, as well as the mileage. So we are hoping to get some kind of balance between the two to satisfy both needs.

Chair Furfaro: So let us say you have nine Sergeants that are willing to participate, because their time and grade and the years of service yet to be realized. On the Investigative Services Bureau side, what would be the number needed? Four additional? What could we swing?

Mr. Contrades: I would say...I would have to take a look at our numbers, but I would say at least five would be helpful.

Chair Furfaro: At least five?

Mr. Contrades: Yes. Yes, I would say on the ISB side to satisfy the 100,000-90,000, five. Yes.

Chair Furfaro: Fair enough. Thank you, Mr. Rapozo.

Mr. Rapozo: Any other questions? Mr. Hooser?

Mr. Hooser: Good morning.

Mr. Contrades: Good morning, sir.

Mr. Hooser: Just so I can understand this and anyone who is watching, so basically we have County-owned blue and whites on one side, versus the County paying individual Officers \$562 a month for them to purchase their own vehicle to use in an official capacity also? So those are the two options. So does every Officer have a blue and white car now?

Mr. Contrades: Not every Officer.

Mr. Hooser: Okay. So I am just wondering in terms of driving back and forth to the Police Department or is it only people that are out and about, Patrol Officers or people doing investigations? How many...what percentage of the Officers have cars assigned?

Mr. Contrades: In Patrol itself we have 90% are take-home, 10% are fleet. And "fleet" meaning no one is allowed to take it home and it sits at the station and the rest of the staff are assigned vehicles, Investigative Services Bureau consists of Detectives and Vice Narcotics with unmarked vehicles that are equipped with lights and sirens and everything else. So they are not necessarily marked, but they are Police County-owned...either lease or owned vehicles.

Mr. Hooser: So every Officer does not have a car whether it is marked or unmarked?

Mr. Contrades: Not every Officer.

Mr. Hooser: Okay. Because 10% of the fleet serves those other Officers. Okay. The subsidized vehicles, would be, I would imagine, similar to on Oahu, where it looks like privately-owned cars with a rack on top?

Mr. Contrades: Yes, sir.

Mr. Hooser: Okay. And looking at the fuel costs, on the County-owned it showed \$180,000 and subsidy \$138,000. Now the same Officer driving the...the same Officer, how come the difference?

Mr. Contrades: Well, for what we did, we took the current subsidized vehicle fuel usage and that averages out to about 45 gallons a month. So the Officers with the subsidized vehicles, that is roughly the average that they are using.

Mr. Hooser: They are not both...the same Officers, not changing his driving habits? They are driving the same amount of miles regardless of which car they have got?

Mr. Hunt: Correct. But they are compensated on fuel for the official time. There is a Collective Bargaining Agreement based ten miles per gallon that is being allowed for official capacity.

Mr. Hooser: So if they are driving a blue and white, they are compensated for all their fuel, but if they are driving a subsidized they are only?

Mr. Hunt: Part of their subsidy is for that. The balance when they are using it in official capacity is when they are actually being I guess discounted for that amount.

Mr. Hooser: It seems like you were driving a blue and white it would all be official capacity. You would not be driving it to Safeway to go shopping or taking the kids to soccer practice, right? Would it not all be official?

Mr. Hunt: When you are talking about a non-subsidized?  
Yes.

Mr. Hooser: Yes.

Mr. Hunt: When you are on subsidized you could use that car for your family potentially and you could use it for non-work purposes. This is your vehicle. You are just allowing it to be used in the fleet.

Mr. Hooser: I get that part. I appreciate your patience, driving a blue and white and only using it for official duties costs \$180,000 for fuel. Driving a subsidized vehicle in the same only official, you pay \$138,000, so theoretically you are driving less official miles.

Mr. Hunt: On the subsidized?

Mr. Hooser: Yes.

Mr. Hunt: Right. A portion of that is considered personal use.

Mr. Hooser: Okay.

Mr. Hunt: It is part of the Collective Bargaining that establishes that rate 10 miles to the gallon.

Mr. Hooser: You mentioned and I appreciate the drawbacks and one would be visibility and I would imagine that would be a fairly big one, when you see blue and whites you slow down and when you see a subsidized vehicle you may not



realize it and you may not slow down. I slow down all the time. So you have visibilities and transport of prisoners. That would require another car to come and the Officer would have to wait for another car to come to transport...what was the third? Pursuit-rating.

Mr. Contrades: Pursuit-rating.

Mr. Hooser: The subsidized vehicle would have to have a certain criteria probably?

Mr. Contrades: Yes, we have a set policy. We only allow certain types of vehicles certain models. Certain colors. The vehicles...our current policy we do not allow subsidized vehicles to pursue. They are not pursuit-rated and that was a concern that our emergency vehicle operations course instructors had brought forward to us. The other two islands do not have that concern, but ours brought it to us and we feel it is a legitimate issue. That is why our intent is to do Sergeants and above. Generally Sergeants and above are not involved in pursuits. It is generally the Officers. Right now, we have in our Investigative Services Bureau and our Administrative staff, they do not drive fleet vehicles that have cages and are marked and what not. They do have lights and sirens, but they are more covert. So our plan is to replace those types of vehicles with subsidized. So we will not have the issues of prisoner transport and we will not have the issues of pursuit-rating and then visibility. So the visibility will not go down. You will still have those vehicles out on the roads that are, marked. We intend to replace the current unmarked vehicles with subsidized and the only change if we utilize the subsidized program to push down the vehicles to Officers. The Sergeants would still be required to have the light bar and would be easily seen especially at night and we have a requirement that they have the blue light on. So visibility would not change if we followed that particular path.

Mr. Hooser: Another follow-up. How many existing...I live in Wailua Homesteads and come to Līhu'e and there are those cars with lights in the grill and what not and how many of those cars do we have now?

Mr. Contrades: If you are talking about traffic enforcement, generally our traffic enforcement personnel, I think they have about seven of those, if I am not mistaken. They are also, like for myself, I have a Camry with element lights and sirens and I do the occasionally traffic stop with someone doing 50-60 on the 40 mph Wailua stretch. Specifically for traffic enforcement, I think there are seven.

Mr. Hooser: Is there a policy in terms...official policy in writing why you would have...it seems like marked cars would be a greater deterrent at the end of the day. I could see for Vice and Investigations and that kind of thing, but for Patrol, as a layman, blue and white is much more effective than these other cars.

Mr. Contrades: With the exception of the Assistant Chief, I believe all of Patrol are marked, except for the traffic safety.

Mr. Hooser: Okay.

Mr. Contrades: The reason that the traffic safety they are not marked is their job is to go out and strictly enforce the different speeds and what not. So their cars are easy to see. You can tell they are Police cars, but they are not clearly marked like regular Patrol.

Mr. Hooser: They do not make you jump, as much as a regular marked car does in terms of hit the brake if you are going too fast or something.

Chief Perry: I would just like to add one more thing on the enforcement. Often times we receive complaints about certain areas that there is a lot of speeders. So generally we will go out there and do preventative patrol, meaning that we will show up and people will slow down and we will go back and make sure that the speeds remain the same. Often time it does not because as soon as they do not see a Police Officer, the speeds increase and it gets dangerous again and we receive complaints again. That is in response to our citizens and their needs at certain locations in our communities.

Mr. Hooser: It just seems like certain areas that we all drive by and we know that a Police Officer may live there and a blue and white is parked there, it is just natural that everyone slows down through those areas and I think deterrence through the high visibility is an important thing to hold onto. Thank you.

Mr. Rapozo: All the speeders know the unmarked, too. They all jump. Any other questions? Councilmember Yukimura?

Ms. Yukimura: On that same chart that we were looking at, maybe we can get it up there, your fuel costs, you use the 16 miles per gallon for County-owned, but 10 miles per gallon for the subsidized. How do we get...I mean what does it take? The Officers turn in mileage accounting every month?

Mr. Contrades: Yes, they do.

Ms. Yukimura: So there is actually some administrative costs to figure that out and then to determine the payment, right?

Mr. Contrades: They are not given payment. They are allowed to draw gas. For every ten miles that they drive on-duty, according to the Collective Bargaining Agreement, they get one gallon of gas.

Ms. Yukimura: Okay. You said they are controlled in terms of what kind of car they can get?

Mr. Contrades: Yes.

Ms. Yukimura: If they get a fuel-efficient car that would be to their advantage?

Mr. Contrades: Yes.

Ms. Yukimura: So they are able to fill up from County gas?

Mr. Contrades: Yes.

Ms. Yukimura: What has been the experience in other Counties? That it pretty much evens out? Or people use more gas with the Police car than with the subsidized car? Is that why there is \$180,000 for gas costs of the Police car use and \$138,000 for subsidized?

Chief Perry: I am answering from my experiences with the Honolulu Police Department. Generally the Officers do not use the ten-gallon ratio and if they are entitled to say for example they drove 100 miles and they are entitled to 10 gallons of gas, generally they use 7 gallons and do not go back and say I have got three gallons coming to me. No, they normally give back to the County. Because the cars are so efficient today, but it is in the language and that is what we have to go by the Collective Bargaining Agreement. Perhaps that is negotiable in the future, but currently those are the numbers that we use and we figure out those costs based on Collective Bargaining Agreements.

Ms. Yukimura: If you saying in the case in general, the Counties that do have experience, we do already subsidize some vehicles, you could show that they do not actually draw 10 miles to a gallon?

Chief Perry: Yes, you could figure that out based on the number of miles that they drive on the mileage slip that is submitted every month. You could actually figure out what the average is.

Mr. Rapozo: Councilmember, just to clarify, they are going to get 10 miles a gallon, period. It is the amount of gallons that they draw will be less, but the 10 miles per gallon is not based on efficiency. Obviously the more efficient car...when HPD in the old days with the Camaros and now if you look and they are driving Toyotas because they find it much more beneficial to the Officer to have a full efficient vehicle. The 10 miles a gallon, if they get a 30-mile a gallon vehicle they will obviously get less fuel.

Ms. Yukimura: Well, it will cause higher costs for their own household driving expenses, right? If they get a more fuel-using car?

Mr. Rapozo: Correct.

Ms. Yukimura: So there will be an incentive.

Mr. Rapozo: Much better for the carbon footprint of the island, because they will get the cheaper-running cars.

Ms. Yukimura: Right. That is all very good. Okay. I think the Chair was asking about it...the plan is to have five...what was the number?

Chair Furfaro: The plan is for the same amount of money that we have in the budget right now, we could probably get nine vehicles. They are asking to replace eight. But then I asked the question that dealt with the Investigative Services Bureau if we wanted to get them on-board, what would be the minimum to direct their way and that would be an additional of five cars I believe the Deputy Chief said.

Ms. Yukimura: I see.

Mr. Rapozo: I think the net impact to the Police Department, let us say eight or even nine cars, when you look at the chart, the net impact is actually with eight vehicles it is 16. Because you are taking out eight of those old cars and you are replacing them, right? You are going to bring down the current vehicles that the Sergeants and above are using? So that is going to go back into the cycle, which will extend the life of that vehicle. The short-term impact to KPD would be actually double the vehicles, because

you are going to get rid of eight of those cars that should not be on the road in law enforcement and actually replace them with newer vehicles. So it is actually a good opportunity to start working on the replacement plan. Long-term, you are still only getting eight new cars, but when you look at what is happening with the replacement, now eight Officers or nine Officers are going to get a newer car that is going to last a few more years.

Ms. Yukimura: These we are talking about County-owned cars that would go to Patrol?

Mr. Rapozo: Eight or nine would be subsidized and what they are driving currently are County-owned would go to Patrol. Much newer than the 100,000 plus miles cars.

Ms. Yukimura: Thank you.

Chair Furfaro: Steve on that formula, as the 90,000-100,000 mile cars are replaced, in our lease contract, is there a residual for salvage credit?

Mr. Hunt: There is on this analysis. We have used the number of \$400, but based on experience, sometimes they have even been less than that by the time you expend the moneys to strip the vehicles. We often spend almost as much or more stripping the vehicle than we can get selling the vehicle.

Chair Furfaro: So the recovery cost on the salvage credit is probably only offsetting the cost that we have to put in to de-identify the vehicle?

Mr. Hunt: Yes.

Chair Furfaro: Okay.

Mr. Hunt: There had been some discussion amongst ourselves earlier whether we just wanted to have them scrap period and not spend the money to salvage, to take off the equipment because of the costs.

Chair Furfaro: Thank you. Thank you, Mr. Rapozo.

Mr. Rapozo: Mr. Chock.

Mr. Chock: Thank you for the presentation. I just had a question on the employee-owned car insurance portion. So is there an amount that is above that \$908 that the employee pays for additional insurance or is that covered by the County in whole?

Mr. Hunt: This is liability insurance. Any comprehensive policies that they want to take out above that would be incumbent on the employee to do that. It is expected as the program matures and more cars are added that the cost of \$908 per vehicle would actually start to decline and similar trends have already been experienced by Honolulu and the Big Island.

Mr. Chock: The employee does not pay any of the \$908, that is all County?

Mr. Hunt: Correct.

Chair Furfaro: Excuse me, that is the County's liability portion.

Mr. Hunt: \$908.

Chair Furfaro: That is liability only, not collision or the vehicle.  
Thank you.

Mr. Rapozo: Does SHOPO have an insurance policy that covers?

Mr. Contrades: Yes, they do.

Mr. Rapozo: That is rate that we would be paying the liability portion? Or is it lower than that?

Mr. Contrades: The number that you see there is what the County pays through their insurance company.

Mr. Hunt: We had it priced out through a brokerage for the 15 that we currently put in Fiscal 2014. We were actually a little bit surprised by the costs, but after speaking to the other Counties, it was a very similar in fact it was over \$1,000 for the Big Island their first year. They have gotten as low as \$400 something. So it can tend to trend down and also depends on the abstracts of the drivers that you put in. Drivers that had significant accidents prior to that, then that is weighted in part of that insurance decision.

Mr. Rapozo: Then you would not give them a subsidized vehicle. You would give them a blue and white. That would be a good incentive for people to drive right for the Officers. Councilmember Yukimura.

Ms. Yukimura: So this car will be driven by other members of the family for other family needs?

Mr. Contrades: That is restricted as well.

Mr. Hunt: It is something that we had discussed and had some concerns over, especially young family drivers, first-drivers taking those vehicles but there are controls in place and the drivers would have to be approved...they have a process within their policy that...I am not sure who was making the decision, but someone on the brass is making the decision as to who in the family can be an eligible driver.

Ms. Yukimura: It works okay in other Counties? I mean there are not violations?

Mr. Contrades: We have not heard of any experiences with that. Generally, that car...you use it for personal tasks, too, but generally that is your work car and generally Officers do not allow other people to drive it.

Ms. Yukimura: In terms of County liability we are covered if there is a violation?

Mr. Contrades: After we approve the paperwork is sent over to  
Finance for final approval.

Ms. Yukimura: Okay.

Mr. Contrades: It is mostly limited to spouse.

Ms. Yukimura: Okay. It will have an impact on parking around  
your headquarters?

Mr. Contrades: I think it would help with parking as well.

Ms. Yukimura: Right. Because if people take the car that they  
come in and use it for work, they would not be parked all day or during the shift, all-shift.  
So that is a plus given that parking has been an issue over there. At some point that bike  
path is going to turn into a bike path and you are not going to be able to park in there  
either. Okay. Thank you very much.

Mr. Rapozo: Any other questions? Mr. Chair?

Chair Furfaro: Chief, how would you say in general, the  
members of the force would accept this change or this option?

Chief Perry: Very positively. Actually when I first got here,  
that was what was proposed, the implementation of a subsidized vehicle program. So it has  
been supported overall by the Officers of KPD.

Chair Furfaro: I would also like to thank Commissioners  
Francisco and Kanekoa for being here...in the back, thank you.

Mr. Rapozo: Any more questions?

Chair Furfaro: And Commissioner Iona there, too. It looked like  
he had a Police badge on...Chairman Iona, thank you for being here.

Mr. Rapozo: Thank you. Appreciate the presentation. Is  
there anyone in the audience wishing to testify? I see a lot of people. If not, thank you very  
much. Mr. Chair. We have come right up on time to the lunch break.

Chair Furfaro: Yes. I want to thank the Police Department and  
the Finance Director, who I wished happy birthday to this morning when I met with him  
and the Mayor on the TAT. So Steve, happy birthday.

Mr. Hunt: Thank you, Chair.

Chair Furfaro: We do want to celebrate by completing this  
budget on-time and your help has been most...you have been most diligent to getting us to  
this point. Happy birthday. I also want to say before we break for lunch here, Mr. Rapozo  
will be going to Honolulu for us soon. There is the hearing this afternoon on the Transient  
Accommodation Tax. On Thursday, the four members of the County Chairs spoke and I  
issued a memorandum to you folks to get you an update. I believe they will not be taking

testimony, but we do need to be there to network where we can. So Mr. Rapozo will be excused from this afternoon's meetings. Then I also want to take a personal privilege, last week during the Auditor's review, we reported that I had to recuse myself. I do not have to recuse myself from the Auditor's budget hearing. I intended not to participate on my own, but I am not recused from that. Also, I wanted to share with all of you before I left, here is all of the correspondence that the Auditor referenced that deals with trying to find him a permanent new home. There are nine pieces of correspondence here that are directed towards the Administration, towards the Historical Society, use of the Big Save complex, space requirements for him, which have all been handled by myself in correspondence and in some cases copied to you as he had mentioned that he had spoken to the Chairman. I think this is pretty well-documented on where we are at. So I will circulate it to you again, especially those of you that are serving back on the Council or on the Council in most recent times. This dates back to 2009 through 2013. On that note, Mr. Rapozo, we wish you much success for us this afternoon. Councilwoman Yukimura, when we come back, we will be dealing with Life's Choices on their particular plan. The strategies that they have and that was requested by you as a call-back. So we have an hour set aside for them. I am sorry, Life's Choices...Life's Choices is the second item at that request and the first item will be the Humane Society. Thank you very much. I need to pay more attention to the dates, but we will be back at 1:00 p.m. We are in recess for lunch from 12:00 p.m. to 1:00 p.m.

There being no objections, the Committee recessed at 12:05 p.m.

There being no objections, the Committee was called back to order at 1:09 p.m. and proceeded as follows:

**Department of Finance – Kaua‘i Humane Society**

Honorable Mason K. Chock, Sr.  
Honorable Gary L. Hooser  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro, Council Chair

Excused: Honorable Tim Bynum  
Honorable Ross Kagawa  
Honorable Mel Rapozo

Chair Furfaro: This is a return from lunch recess. We have four members to start this particular time is based for a call-back of the Finance Department in particular, the line item dealing with the Kaua'i Humane Society. So Steve, I guess I would ask you to come up first.

Mr. Hunt: Steve Hunt, Director of Finance, for the record.

Chair Furfaro: Once again, happy birthday.

Mr. Hunt: Thank you, Chair.

Ms. Yukimura: Happy birthday.

Mr. Hunt: Thank you.

Chair Furfaro: I believe we had some queries on your line item for the Humane Society. I, myself, do not. I feel that the line item is something that the Administration should manage. We have addressed two options for additional licensing fees, and we put an additional \$100,000 in the budget from the previous year. So I will open this up for questions from members.

Mr. Hunt: Thank you.

Chair Furfaro:                      Members? JoAnn.

Ms. Yukimura: I am actually speaking on behalf of Councilmember Rapozo, because he was the one that had concerns and he is representing the Council on the TAT issue today.

Mr. Hunt: Very important.

Mr. Rapozo: So I know that he would have wanted to be here otherwise. His question was about the spay / neuter program. He was concerned that in not explicitly or in moving moneys, I guess, that were earmarked for spay / neuter to "general animal control." That we, the Humane Society, would be neglecting the spay / neuter program, which I do not think is anything anybody wants and I do not believe that is the Humane Society's intention or proposed action. But I know he raised that question and I think for that reason we need to have that answered.



Mr. Hunt: Sure. I guess first, if we talk about the Humane Society's budget, what they are looking at in terms of what it costs to operate, in addition, to the \$760,000 grant that we give the Humane Society, currently it has been through contract we have earmarked \$695,000 for the animal control and \$65,000 for the spay / neuter program. Additionally they are projecting and again, these are projections and they may not be actuals, but they are projecting additional program revenue of \$120,000, bringing their total to about \$880,000 in revenue. Their expenditures are forecast for Fiscal 2015 of about \$989,000 and those are just for the County services. They have other programs outside that is not part of the County program, but they are fundraising and getting donations to run those programs as well. Just for the County's services alone, it is a deficit of almost \$109,000. So we are not fully funding what it is we are asking them to do. As part of the discussion that Penny and I had regarding the contract that will be coming up in Fiscal 2015 the thought would be to take those moneys that \$65,000 earmarked for spay / neuter and move that into the animal control. Not that they are not going to be doing the spay / neuter services, but that it is easier for donors, who want to give to that specific purpose to be allowed to do that and fundraise in that manner. Whether we move it or not, it does not change the amount that we are giving, nor the deficit that they are anticipated to incur. It is just a tool for them to hopefully get closer to breaking even on running that service.

Ms. Yukimura: So the feeling is that private money can be raised more easily for spay / neuter programs because there is such an awareness of how important that is to avoid euthanization or it is preventative. So people understand that importance and will donate towards that end.

Mr. Hunt: I do not want to put words in her mouth.

Ms. Yukimura: I would ask for Penny to come up.

Mr. Hunt: The Fiscal Year 2015 budget as proposed the expenditures are coming in about \$126,000 lower than Fiscal Year 2014. So they have had made efforts and reduced their hours of services and cut personnel costs and managed their expenditures as well. But there is still a gap.

Chair Furfaro: Steve what was the number again?

Mr. Hunt: The actual projected number between Fiscal Year 2014 and 2015 on expenditures decrease is \$126,291 on a preliminary budget.

Chair Furfaro: Thank you.

Ms. Yukimura: That is very admirable actually. If we could do that in all County Departments without any major impact to services, that is really ideal. So perhaps we can hear from Penny.

PENNY CISTARO, Executive Director, Kauaʻi Humane Society: Penny Cistaro, Executive Director of the Kauaʻi Humane Society for the record. It is easier for the Kauaʻi Humane Society to do fundraising and obtain grants from foundations if we have no other source of funding. Grants when you say that you have sources of funding, they tend to look at that in relation to grant awards, amounts of grants, so for us if we did not have that \$65,000 from the County and it went into our animal control program, it is the same

amount as Steve said. We are still going to be subsidizing the contract by about \$108,000 is our projection this year. So whether it is \$65,000 going into spay / neuter and the other remainder going into the contract, it is six and one-half.

Ms. Yukimura: It does not mean that you are cutting your spay / neuter program?

Ms. Cistaro: Absolutely not.

Ms. Yukimura: You plan to maintain the same level as Fiscal Year 2014?

Ms. Cistaro: Absolutely. We have plans to build in a second surgery suite through a donor and bring on an additional veterinarian, so we can provide more surgeries to the community.

Ms. Yukimura: At an economical cost, right?

Ms. Cistaro: Yes. We just purchased a used vehicle partially through a donation from Enterprise, so we can continue to do the mobile spay / neuter over the summer months in the community for cats. So we are going to continue those programs whether the County funds that portion of it or not. For us it is a lump sum, \$760,000 whether it is animal control or spay / neuter, the programs are going to stay the same.

Ms. Yukimura: Stay the same or it might even increase?

Ms. Cistaro: Potentially.

Ms. Yukimura: Yes. So Councilmember Rapozo, I know was talking about why do they not give certificates so people can take it to private vets? Are you planning that as part of the program?

Ms. Cistaro: That is not part of our plans. The veterinarians are...the surgeries can be up to \$500 for one animal and that does not include the pre-surgical Office visit or vaccinations that can take a female dog to over \$600 and to give a coupon for \$40 is not a good use of our resources. The least expensive surgery for a male cat at a veterinarian is \$73 and it is \$20 at the shelter. Again that does not include the pre-surgical vaccinations, so you look at a \$200 cost to neuter a male cat and given \$40 on that it is not a good use of our resources when we can fund to do so many more animals with that amount of money. If the Council is putting the entire \$760,000 towards the animal control program, they are no longer funding the spay / neuter program. It is all of our resources so we would not be using the coupon for a discounted price at a private veterinarian.

Ms. Yukimura: Okay. The whole intent is to do the maximum number of spay / neuters, which is arguably the most compassionate way to do animal control.

Ms. Cistaro: Yes.

Ms. Yukimura: Right. Okay. That is all I have.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: Good afternoon. Just to reframe or restate the amount of money in the budget now is how much for the Humane Society, County money?

Mr. Hunt: In the County money, it is \$760,000 and does not say so much for animal control. It is just a line item, \$760,000.

Mr. Hooser: Last year how much was it?

Mr. Hunt: Last year, the current fiscal, prior to that was \$660,000.

Mr. Hooser: Current fiscal and projected fiscal is \$760,000 and my biggest concern is walking out into the super market and saying how come you cut spay / neuter, when the County is not cutting spay / neuter? The County is funding the same thing we funded last year? So that is one of my concerns or probably the most important one is that...go ahead.

Mr. Hunt: If I could respond, I have heard from the other end, which are the private veterinarians saying that we pay taxes and you are taking our money and giving spay / neuter money to the Humane Society, which is essentially a competitor. So if we are moving this into the animal control program and they raise their own money for spay / neuter they are getting the same spay / neuter more, possibly more, but there is not that appearance of subsidizing a competitor.

Mr. Hooser: Right. I want to be clear that the County is not cutting the spay / neuter program.

Ms. Cistaro: You could comfortably say that, that the County, nor the Humane Society has cut the spay / neuter program. You are still funding to the same level that you were. Our program will not change.

Mr. Hooser: Okay. Great. Thank you.

Chair Furfaro: Members? Steve, I just want to thank you for working out...again my point is that we have increased in this period of time from 2013 to 2015 the amount allocated to the Humane Society, a 13.5% increase. We have also given opportunities and that represents the \$100,000 that we have given opportunities to creatively have other licenses and fees go into that direction. I just wanted to again iterate that I appreciate you working on that line item contract under the Administration, and I think we need to just keep track on how we are doing here going forward. I want to thank you for your sincere effort on working on this line item. JoAnn seems to want the floor. So I will give it to her.

Ms. Yukimura: It is not about spay / neuter, but it is about the potential additional costs. I wondered how the barking dog enforcement is going? There was some question about whether it would generate a need for more revenues? But I think you have good news.

Ms. Cistaro: I do have good news. The Barking Dog Ordinance...

Chair Furfaro: Excuse me, before you answer that in the budget procedure I am going to allow the question. The agenda item is for a specific line item, but if you want to talk about that, and we have the time and I think the way I will connect is that JoAnn is seriously seeking out the fact will there be other costs and other revenues tied into the budget? I have to say that, JoAnn, because I do not want to stray beyond the posting. Now you can answer.

Ms. Yukimura: Thank you.

Ms. Cistaro: It is going well. We have had two cases successfully closed with education, and from one of those, we have a new donor that is pledging a gift every year moving forward, because of how well it worked. We have nine open cases right now, and we have had a total of 11, two have closed successfully. The others are in the work progress. I think that a deterrent to people, to the public is that they cannot be anonymous complaints and that they need to be part of the solution. So that is where the Barking Dog Ordinance stands. The good news on the cat licensing, which is tied to the budget, Councilmember...

Chair Furfaro: I am a stickler about following the rules.

Ms. Cistaro: Cat licensing which is bringing in additional revenue to our side of the contract, it started at the beginning of March, end of February, beginning of March and through the end of...I think the weekend, we have sold 43 cat licenses, which is a big deal for us.

Ms. Yukimura: Excellent news.

Chair Furfaro: Excellent.

Ms. Yukimura: Thank you very much.

Ms. Cistaro: You are welcome.

Chair Furfaro: Any other questions as it relates to the Humane Society's budget line item? I would like to...

Ms. Cistaro: May I make a comment, please?

Chair Furfaro: I would like to suspend the rules for Penny to make some operating comments, go right ahead.

Ms. Cistaro: I will not be at the hearing on Wednesday for the administrative accounting of the cat licensing income and expenses. Two reasons. I am off-island.

Ms. Yukimura: For the bill, you mean?

Ms. Cistaro: Yes, for the bill. I am off-island and it does not have an impact on our programmatic. It is a internal accounting housekeeping, which is why I was not here last week and I was not present at any of the dog licensing hearings on the administrative side of that. So I apologize, but I will not be here.

Chair Furfaro: Thank you very much for recognizing the line item itself is in the Finance Department. Any testimony that you can give us in advance would certainly be appreciated. Steve?

Mr. Hunt: Just to reiterate the one coming up on Wednesday is related to how we can divert the moneys back to the Humane Society, which we have essentially agreed to the cat licensing bill they would be entitled to, but without the budgetary line item expense we cannot give them those moneys back and they are currently issued to the Director of Finance.

Chair Furfaro: The agenda item as far as I am concerned really will deal with how do we flow the intake and the outflow of those moneys. So I am sure you will have the appropriate answers for us then. To the Administration, we are going to take a 10-minute recess and I would like to see if we could not start earlier with our next item, which is Life's Choices?

Ms. Yukimura: Chair?

Chair Furfaro: Yes?

Ms. Yukimura: Could I ask for a 15-minute break?

Chair Furfaro: I will give you 20 minutes.

Ms. Yukimura: That would be great.

Chair Furfaro: We will start up again. Penny, thank you very much. Nadine, could I ask that we start Life's Choices at quarter of 2:00 p.m. We are in recess.

There being no objections, the Committee recessed at 1:25 p.m.

There being no objections, the Committee was called back to order at 1:49 p.m. and proceeded as follows:

## Life's Choices Kaua'i – Drug Response Plan

Honorable Tim Bynum  
Honorable Mason K. Chock, Sr.  
Honorable Gary L. Hooser  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro, Council Chair

Excused: Honorable Ross Kagawa  
Honorable Mel Rapozo

Chair Furfaro: Okay. We are back from our recess. We are accordingly going to focus ourselves now on Life's Choices and in particular the Drug Response Plan. I would like to remind everybody that the Response Plan is for discussion today for the next hour and that the actual item on the future use of the treatment facility and/or how do we get to a treatment facility is actually scheduled for July 23<sup>rd</sup>. This is a review of the current plan, its accomplishments and shortfalls and that is what our focus will be on for the next hour. On that note the rules are suspended. Theresa, along with Nadine, I believe you are coming up. You passed out this particular piece at the recess? Okay. Do you have a PowerPoint that you are going to be doing? The floor is yours.

There being no objections, the rules were suspended.

THERESA KOKI, Life's Choices Kaua'i Coordinator: Sorry. Good  
 afternoon Chair and members of the Council, Theresa Koki, for the record.

Chair Furfaro: Good afternoon.

Ms. Koki: Good afternoon. Today I would like to present our Kaua'i Community Drug Response Plan for 2008-2013 and this is an update of our goals. Just a little bit of history about our program in February of 2003 the County Council here authored by Mel Rapozo introduced a resolution to have a community-based effort to deal with the island wide drug problem. Then our Office was created. Then we had our first Drug Plan for 2004-2009. Here we are today, with our Drug Plan that was from 2008-2013. This Drug Plan was dedicated in memory to Mayor Bryan Baptiste for his leadership in initiating this effort. So we will start with prevention. Our prevention vision is to engage and empower our youth, adults, and families to make the choice to be drug-free. Our first goal for prevention was to develop the structure of the Drug Plan to provide effective coordination and implementation of prevention programs for youth and families on Kaua'i. So here are a few measures of success. We had consistent attendance at meetings. Our prevention meetings have collective impact discussions for all of our prevention providers. We had three years' of consistent attendance from 2009 to 2011 and that was because we had a strategic prevention grant for our prevention providers. We increased representation by...we identified the missing agencies using the prevention community stakeholders wheel and extended invitations to our providers and gave them a meeting calendar to block off the date to make a commitment to be part of the prevention team. We are building prevention system infrastructure through the SPF process which is the Strategic Prevention Framework. Our new mission at that time was created, most recently,

actually and it was to engage and empower the community to promote positive outcomes in their Life's Choices. Funding was secured for coordination and support. The first phase of strategic prevention framework State incentive grant funds was \$313,000 for assessment and capacity-building. That also included funds for personnel in our Office. Later in 2009 we were able to continue the Big Brothers, Big Sisters mentoring program on Kaua'i for an additional two years with funding from the Office of Youth Services and Title V community prevention grant efforts most recently in 2013 we were awarded again from the Office of Youth Services to provide a structured program for our suspended youth. Working with the Department of Education, we identified that when kids get suspended for drug use on school property, they get suspended for 90 days, leaving them without any supervision or structure to complete their school year. The service provider for that contract is Hale Kipa.

Then also in 2009 we received \$1.2 million in Phase II of the strategic prevention framework grant which allowed the County to award, through the request for proposal process nine prevention agencies with funding to provide evidence based programs in the schools and communities island wide. The programs that we are operating were eight new evidence-based programs in the schools and communities throughout the island. They were implementing strategies on the top substance-abuse issues that are identified by the State in its subcommittees and that was under aged drinking. Here is our strategic prevention framework subcontractors. We have Hale Opio, and the areas that they taught their program. They target 120 youth and they actually got 98% of that goal. Their contract time was from November 2010 to September 2011. Hale Kipa was another provider. Alu Like was another provider. They went way over the amount that they targeted at 174%. Hina Mauka targeted such a large amount that they only reached 15% of the goal. They did very good work, but they...the number...the targeted group area was just too much. They did not realize the effort that it would have taken to accomplish that 100%. We had the Boys and Girls Club of Kaua'i, Circles of Light and Hale Kipa II, meaning that they applied for an additional grant when the second request for proposal went out. Kaua'i Economic Opportunity and the YWCA which also exceeded their goal and did 184%. Based on the accomplishments of the providers, we were able to allow them a no-cost extension, four of our prevention providers continued their programs until the end of the grant in September of 2012. They were Alu Like, Boys and Girls Club, Circles of Light, and the YWCA. These are the evidenced based programs that were implemented in the school and in the community. There is All-Stars, life's skills training, positive action, project alert, sports, too good for drugs, and then that is prevention education. We also have our environmental strategies which was community mobilizing for change on alcohol called CMC and then an information dissemination program, called Stars for Families. This is where kids would bring home packets to interact with their parents. Again continuing with our programs continued and expanded, in 2012 Phase III of the SPF grant allowed prevention providers to apply directly for funding to the State of Hawai'i Department of Health Alcohol and Drug Abuse Division to continue again their evidence-based programs. As part of their sustainability plan, two of the programs continue to teach positive action, which is an evidence-based program until today with other funding and that was the YWCA and Hale Opio. Right now we are currently working with the Alcohol and Drug Abuse Division on a partnership for success grant to continue to address under aged drinking. Problem ages 12-20 and the prescription drug misuse and abuse among individuals 12-25. Here is another program that was continued and expanded through money from the Kaua'i County Council, we were able to give funding through the Hawai'i Community Foundation for pre-school and after-school pilot programs. So the first-round of funding was awarded to six organizations and their second round will be available in May of this year. So here are the six organizations that got funding. Circles of Light, Aloha School Early Learning

Center, Hanalei School PTSA, Island School, Kōloa Early School, and Hale Opio Kaua'i. The measures of success was the final one was decrease in first drug use among Kaua'i middle and high school students as shown on the Department of Health youth behaviors surveillance survey. Here we are, where we did good in some areas and not so well in other areas. So if we look...this is a school survey that taken in school every three years and they are trying to implement it every year. Goal number two for prevention was to promote the availability of public and other transportation for youth to and from activities. One measure was the number of transportation partnerships formed with providers and clients. We had the Big Brothers and Big Sisters Program partner with Kamehameha Schools and they offered seven children to go to a mentoring program through Kamehameha Schools. The County of Kaua'i also partnered with Hina Mauka in three fifteen passenger vans and the County Transportation Agency worked together with the prevention providers and 112 participants were riding the bus to go to these evidence-based programs. Extended bus coverage was one of the other measures. The committee worked on a survey to assess the need for late evening and weekend support services. We submitted that to our County Transportation Department and with the Administration and County Council working together, they funded extended routes / hours and youth were better ability to access the programs that they attend.

For our treatment and community integration part, whose mission is local access to an affordable, effective drug treatment and support that offers all a hope for a happy, productive life without drugs. These are two themes that in the beginning in 2003 started separately, but realized that they are were related and formed one team. Their first goal was to establish additional residential treatment services and facilities for youth and adults. Our measures of success would be that on-island treatment is available and we have clean and sober homes that have been established for adults on Kaua'i. We recently completed the feasibility study for the adolescent drug treatment center. Community acceptance of treatment facilities, the majority of the community has accepted the need for treatment facilities, but we still need to put more outreach for the community's acceptance and education. The majority of provider outcomes achieved in 2011 the State Department of Health ADAD partnered with Kaua'i, utilizing the access to recovery grant called ATR and the State was awarded \$11 million for four years and Kaua'i has a fee for service contract with ADAD and treatment providers including the County Transportation Agency. I am not sure that you know, but today is the day that people can go to the park over here and get their bus pass for free. They get an assessment and the need is evaluated and they get their bus passes.

Chair Furfaro: Excuse me, you are talking about the park in front of the Historical Society?

Ms. Koki: Yes.

Chair Furfaro: It looks like it is a success. There are a lot of people.

Ms. Koki: They actually go to where their clients are and that is unusual, instead of expecting them to come to an Office.

Chair Furfaro: Very unique, thank you.



Ms. Koki: We have a coordinated assessment of treatment system that is ongoing and in the back of the Drug Plan and it is a continuum of care and we do need to update that. For number four measures of success, we had beds allocated for Kaua'i clients. We currently eight beds allocated on Oahu through Child and Adolescent Mental Health Services for our youth. Adult bed space on the other islands are on a first-come, first-served basis. Funds secured to support beds when empty or insurance not available...we had a grant secured for adult residential treatment in 2008-2011. It was contracted with Hina Mauka. At that time at least 53 adults received grant-in-aid for off-island treatment. On the satisfaction of referring agencies with the process, we know we have referrals made by supporting agencies which is the Department of Education, Office the Prosecuting Attorney, KPD, Drug Court, Family Court, and Hope Probation, and the Veterans Administration. To-date a satisfaction survey has not been completed. We know that referrals are not being made, but we are not sure how satisfied that they are with the process. Goal two of the Drug Plan was changed. It was establishing an on-island therapeutic living facility and then it was changed to establishing on-island clean and sober living homes. The positive community response to facilities in this case was a plan was created for community outreach and education to minimize resistance. We facilitated ten island wide meetings in 2010-2013 to provide that community outreach and education. We currently have six clean and sober homes for adults on the island and that is a new facility established. Referrals made by supporting agencies, agencies continue to refer youth and adults off-island for residential treatment. Goal number three for treatment and community integration was to expand drug treatment services within the Kaua'i Community Correctional Center to support the recovery of prisoners. In KCCC, the treatment in-house is the Salvation Army curriculum, freedom to change a level II substance-abuse rehabilitation program that provides inmates the highest level of treatment available here on the island. KCCC has allowed for other agencies to come into the facility and assist with treatment services. The number of people receiving treatment services right now in the program includes about 42 participants and that offers in-facility counseling, support groups, and transitional services after inmates are released. About 80 more inmates need in-house treatment. The number referred to community treatment services upon release, all who attend the program are referred to continuous treatment and wrap around services. All inmates have an exit plan six months prior to their release through the re-entry program. This is a program recently worked on with our treatment and community integration team. They did an excellent job to work with people in KCCC and our Workforce Investment Act, Office of Economic Development for the re-entry, reinvestment act for the workers that includes people from getting released from KCCC as well as other incarcerated facilities that we contract with. And also Drug Court clients who are in recovery. Goal number four was to ensure that transportation options are available to those seeking services for substance-abuse. Again with transportation available to clients at hours and in locations needed, we had conducted a survey in 2009 with the providers and treatment clients and our findings was that bus services were not available after sessions were completed and some bus stops were too far away from treatment services. So the week day extended hours of service proposed by the Administration and approved by the County Council had greatly assisted the clients. Treatment providers now use access to bus stops as criteria for selecting their facilities. Clients utilize expanded routes. In 2011, Kaua'i received the Access to Recovery Grant from the Department of Health, which is \$11 million for four years and Access to Recovery gives out vouchers for people who need transportation. Four agencies report frequent use of the Kaua'i Bus as the only mode of transportation for their clients participating. Agencies include Positive Parenting, Women in Need, Love the Journey, and Hoola Lahui Hawai'i. This is our expanded routes as of April 16<sup>th</sup>, last week and how many people on that grant are

receiving vouchers for their bus passes. In February, it was 44. In March it was 194. And as of April 16th, which is just halfway through the month, there was 324 vouchers that were issued. Goal number five of the treatment and community integration goal was to participate in the legislative process to ensure needed funding and services for drug treatment and community integration. The measures of success was needed legislation passed and signed. Kaua'i's voice heard statewide on substance-abuse issues and due to the limited resources, this goal has not been pursued. For our enforcement group whose vision is to work together to interdict drugs and prosecute drug users and dealers and reduce crime. Their first goal was to improve communications with the community. The measures of success was the quantity of projects initiated following from community problems and one of the accomplishments were the neighborhood watch program increased from 6 to 15 active communities. In the Summer of 2012, we were able to grant KPD \$24,000 to conduct 17 under aged drinking surveillance and park sweeps resulting in 7 citations, 1 arrest, and five detainments. The other measure of success was a decrease in overall crime statistics in areas where projects were initiated. It is difficult to compare a decrease in crime because now there are more accessible ways to report crime. Using the 411 crime mapping and all the anonymous tips, more crime is being reported. It shows that there is an increase and the neighborhood watch program there is another way for them to report crimes. Here are some of our drug statistics that were available up until 2011. It went down in some areas and it went up in others. Goal number two for enforcement was to secure funding and other resources needed to support law enforcement and intervention programs. Our measures of success, number one was to fill vacancies at the Police Department and the recruitment and retention of personnel, especially sworn Officers remains a high priority for the Kaua'i Police Department. The training resource and development in personnel sections are taking lead roles in addressing this County critical area. With that in the last five years we had 63 Officers fill vacancies.

Chair Furfaro: Theresa on that slide, do you have anything that shows what the attrition of departing Officers was for the same period?

Ms. Koki: No, I do not. I am sorry. I know one of the goals was to have a three-year retention and we found a few for various reasons did not stay, whether it was because of an evaluation or they decided it was not for them. We could work better and closer with the Police Department to get the statistics.

Chair Furfaro: I will send the question over to the Police Department. I just wanted it for comparison.

Ms. Koki: So the number of vacancies filled again, they received...the Police received the COPS grant, which is community-oriented policing grant from the U.S. Department of Justice to hire six additional Police Officers. Here is the retention of...the retention of newly trained Officers for three years. With subsidized vehicles and Collective Bargaining Unit pay increases that serves as incentives to retain current Officers and attract new Officers. Goal number three was to expand the demand reduction programs. One of the ways that Chief Perry decided to do that was to have the Citizens Police Academy. It was established in 2012 as an interactive program designated to educate the public about KPD's policies and the criminal justice system and the Academy is prepared to hold a third class this spring and graduated 19 citizens thus far. Another demand reduction program is the Kaua'i Police Activities League and today we were able to support KPAL with grant funding again for their Sea Scouts, wrestling, basketball, boxing, and flag football.

Chair Furfaro: Is there money in this year's budget for KPAL?

Ms. Koki: I am not sure.

NADINE K. NAKAMURA, Managing Director: I believe there was funding for a position for KPAL this year in the budget as a re-described position. So that there could be one full-time staff person dedicated to KPAL, overseeing KPAL activities.

Chair Furfaro: Thank you, Nadine.

Ms. Yukimura: Is that an Officer position or a civilian position?

Ms. Nakamura: It is an Officer position.

Ms. Koki: The reason why we could support this with our grant funding, it was part of the environmental strategy...it was not evidence-based, but it was our environmental strategy. The number of collaborative cases accomplished was difficult to measure. Number of suspects and clients integrated was also difficult to measure. The number of presentations given within the last five years was 624 presentations. The number of actionable leads from the presentations, again, that is unknown. Goal number four is continue to strengthen working relationships among all County, State, and Federal law enforcement agencies. The number of Federal cases for prosecution is unknown and the number of cases for State prosecution is also unknown. Finally our Drug Action Team, whose vision is uniting the community to resist drug use, support the enforcement of anti-drug laws, and provide caring treatment and support for those affected by drug use. Their first goal was to identify and secure sustainable funding for drug programs. I am sorry on the Drug Action Team we have our chairs of all of our committees. So I am the leader of the Drug Action Team. I facilitate those meetings and our prevention chairs for these next two years is Melinda Montgomery of Hale Kipa and Maile Murray of Child and Family Services. For treatment and community integration, we have Merrilee Worrell who is retired and used to work in mental health, kōkua, and family guidance center. Her Vice Chair is Jack Vile who works at KCCC. For enforcement we have Tina Higashi from the judiciary and her Vice Chair is Tim Tobin from the Prosecutor's Office. We are very grateful for all of the community hours that they put in for free and the respect that their supervisors let them come to these meetings that are an hour and a half once a month. Sustainable funding to secure program was the first measure of success and although grant funds are not sustainable funding Kaua'i continues to receive Federal and State grant funding for treatment and prevention providers. I am not sure how much the amount of funds raised at this time are, as individual agencies can apply for dollars directly themselves. New and continuing funding secured by providers, the information from the providers are not available at this time. Goal number two is to sustain a management system to support and coordinate implementation of the plan over the next five years and maintain timely communications for all involved. The measure of success number one was funding for anti-drug office secured. In 2008, we had one full-time and one part-time employee that was General Funded. In 2009, we had one full-time employee, General Funded and three grant-funded positions. From September 2012, when the grant ended we have one full-time employee. Here is our operational budget that we had in 2009 we had \$40,000. 2010 the same. 2011 we had to start cutting our funding with \$31,000. 2012, \$31,000 and this current fiscal year I only have \$19,000.

Chair Furfaro: Going back to those positions that were funded, we funded one position and the other positions were funded by grants?

Ms. Koki: Yes.

Chair Furfaro:                      Going forward, we are still funding our position,  
but there was no money for grants?

Ms. Koki: Not for personnel, no.

Chair Furfaro: So that was a change in the grant policies?

Ms. Koki: The grant ended in 2012.

Chair Furfaro: Thank you.

Ms. Koki: So measures of success number two was management systems in place. What we did was reorganize our teams. When I was with the Office of Boards and Commissions we tried to make it more in line with the Boards and Commissions especially since one of the staff members there was taking my minutes from my teams, as well as Boards and Commissions teams. So in order to streamline some of the things they have to do, we tried to reorganize our teams. We have new leadership for each team. We had Officers from 2003 that were still participating in 2010. That was a little bit too much years. So we kind of thanked them and had nominations opened. Mason is smiling. Nominations for officers now are every two years. This is for them to avoid burnout and to have other people who have been part of the team to step up and be the Chair or Co-Chair. Our committee satisfaction we had increased participation at meetings and planned updates and ongoing activities. The Life's Choices committee is currently working on a survey instrument to make sure we gather that satisfaction and measure it within six months and one year. Goal number three was to develop and make available information on community resources to help individuals and families. We had distributed over five years an average of 1,500 packets per year at various offices, events, and activities. A resource directory is given now to any inmate leaving Kaua'i Correctional Facility and that is where you can get food, where you can get support, where you can get prevention program for your children, and all kinds of resources that we have put together. Our Life's Choices website is updated with links directly to service providers. If you go online and you click on "love the journey," it goes directly to their website to show the hours. Our visitors especially like the part to look up where is an NA or AA Meeting where they are staying. So that is very helpful for them. Not everybody shows up and says that I got this resource packet and I am here to get help, but we continue to refer people to services and other referrals may come from Hina Mauka Teen Care, the Department of Education, the court, Kaua'i Drug Court, Family Court, Kaua'i Police Department, Adult Probation, Hope Probation, and the Veterans Affairs, and the Kaua'i Community Correctional Facility. Goal number four for the Drug Action Team was to coordinate messages to the public to heighten awareness on the goals, activities, and outcomes of the Kaua'i Community Drug Response Plan. So here we are out in the community, we have an annual health and wellness fair. We have alcohol awareness month, which we do high school and community presentations. This year we hosted a Drug Summit, where 80 of our County supervisors and managers received training in mandatory reasonable suspicion and drug recognition. That is mandated by Bargaining Units and they needed four hours, but they got six continuing education credits. We also had continuing education credits for

certified substance-abuse counselors and certified prevention specialists. Measures of success, the number of times messages are in the media, newspaper and we had a monthly column with The Garden Island newspaper and publicity spots. A number of positive comments received by Anti-Drug Departments are difficult to measure. The number of drug-related arrested is difficult to measure and that is the end.

Chair Furfaro: Thank you, Theresa for a pretty complete presentation. Let me ask you, did we not solicit any comments from anti-drug partners that we have? Do you have any kind of feedback from slide 75, your last slide?

Ms. Koki: Regarding the coordinated messages to the public, the measure was positive comments received by Anti-Drug Office. We do surveys when we have events. So we definitely do surveys from the Drug Summit that we recently got. Most of the comments were positive. At our health and wellness fair we also had surveys, but they critiqued the booths. They did not critique the anti-drug programs. They critique the vendors.

Chair Furfaro: On page 21 of your slide, I will ask them to put that slide back up. You went very quickly through that slide, but could you walk us through one of our least favorable agenda items for feedback?

Ms. Koki: I am sorry?

Chair Furfaro: Slide 21, page 21, whichever it is. Would you walk us through one or two examples?

Ms. Koki: Sure. Like I said this survey is distributed from the Department of Health to the schools every three years. We are trying to get better than that. The information being compiled in the year after they hand it in. For example, drank alcohol for the first time before age 13 other than a few sips, on Kaua'i, 20.5 response in 2007...it looks like it went higher in 2011. So in that area we know we did not do very well. I am sorry...0.4, sorry. Had at least one drink of alcohol at least one day in the past 30 days. It looks like we went down there by 9.9.

Chair Furfaro: I guess the one I am interested in is the second to the bottom. Ever taken prescription drugs without a doctor's prescription?

Ms. Koki: I think with the rise of prescription drug uses we have been getting education out there and the doctors are being very good at educating. Before you got a drug prescription it would last a year and now the doctors say in three days your prescription is expired. I think with the education that parents are getting they are not too quick to offer their children Vicodin for pain from a sports injury and so doctors and parents are being better at that.

Chair Furfaro: Could I ask to you work with the transportation vouchers, you keep track of who is riding and so forth. But to us, in reaching out to give access to some transportation, do you know what the value of those transportation vouchers are?

Ms. Koki: I think it is a one-month pass every time they get it.

Chair Furfaro: So how many have we given out?

Ms. Koki: This month, just halfway through the month, 300 something, yes.

Chair Furfaro: So that is a pretty substantial increase and it is basically a complimentary pass?

Ms. Koki: Yes it is. It is an access to recovery grant and keep in mind, the transportation is an access to their treatment provider. They have recreational activities that they can participate in as part of their recovery or just the basic daily needs such as going to the store to take care of their families and themselves. We have made a commitment, the Department of Transportation has to give me the stats on an ongoing basis.

Chair Furfaro: Could you ask if they could expand that to say what they gave in the way of vouchers, but also what the value of those vouchers were?

Ms. Koki: Okay.

Chair Furfaro: Go right ahead, Mr. Hooser.

Mr. Hooser: The access to recovery grant, is that funds that are paid to the Department of Transportation for the bus pass?

Ms. Koki: We have worked out a way we can do it on consignment and so they have X amount of vouchers that they get from the Transportation Department. It is like a fee-for-service. They pay them.

Mr. Hooser: So the County actually receives income from this grant?

Ms. Koki: Yes.

Mr. Hooser: That is the point I wanted to make that the County is not offering free bus trips.

Ms. Koki: No, we are not. We had a long discussion because we did not want to take away from the bus. So we had...first we looked at their Ordinance to see what we could work with. It was a long transformation between Celia and myself, Kalawaia, and the access to recovery lady from the Alcohol and Drug Abuse Division. So we had several meetings before we came to the conclusion of what we exactly could do. It seems to be working out.

Mr. Hooser: Thank you.

Chair Furfaro: But I still want to know the value of those?

Ms. Koki: Yes, I will get that for you.

Chair Furfaro: That is covered by grant money as Mr. Hooser is pointing out, right? But we should be keeping clear track on the value of those vouchers. I think that is all of my questions. JoAnn.

Ms. Yukimura: Thank you, Theresa and Nadine. This is the first time that I have seen in a report the actual drug use statistics that were put up there on page 21. So thank you very much for doing that. You know, it is good when we have people attending meetings sustainably and so forth, but the real bottom line is are our young people using less drugs? Are they not starting early? You know, those kinds of things. So it is good to get a report back like this and it is also really good to hear that they might be doing these surveys every year. That would give us much better indication or feedback as to whether our efforts are working. So this list, there is actually five places where it is gone down and the rest have actually gone up in different degrees. So I mean, for example, look at the "tried marijuana for the first time before age 13." It was 11.7 in 2007 and 16.4 in 2011.

Ms. Nakamura: If you compare the Kaua'i numbers, in 2007 it was 8.1 and went up to 16.4, three years later.

Ms. Yukimura: Thank you. It went down for a couple of years and then it went up.

Ms. Nakamura: The first two columns are the Hawai'i Statewide numbers and the next two columns are the County's comparison.

Ms. Yukimura: Thank you.

Ms. Nakamura: So this is one where we have doubled.

Ms. Yukimura: Yes. Thank you.

Ms. Koki: To address that, we concentrated a lot on under aged drinking and we are trying to find ways with our teams when we discuss...to find ways when we have a grant specified for a certain drug, we really have to cover everything. We cannot do just under aged drinking and marijuana starts going up, but we have to have education on all the substances.

Ms. Yukimura: If you fund programs that actually help kids make good choices, it does not matter what the drug is. So that is the power of really getting clear what cause-and-effect is in terms of kids making choices? I know that in the Life's Skill Program, that is the crux of the effort, to help kids understand how to analyze the consequences of their choices? Where to go for help? To get engaged in really positive activities that really meet their needs for confidence and self-esteem. So that is one way to address it. So for example, this is only an example, I think there are other ways of showing it...when you go to your...I am looking at slide 67 or even 69. Where you measure success by number of packets distributed. How do you know that the packets are actually having the impact you want to have in terms of people's choices? Because if it is not having an impact, no matter how many packets you distribute, it is not going to really make a difference in what you want to make a difference.

Ms. Koki: This measure of success was included in the drug plan as that.

Ms. Yukimura: Well, but then maybe it is not the proper measure of success.

Ms. Koki: Perhaps it is not, I agree.

Ms. Nakamura: That is why, this Drug Plan, the most updated one, this discussion is based on is for the period of 2008-2013. So last year the Administration included funds to update this Drug Plan, because of the expiration date of this Plan and it was not approved. This year, while we wanted to have funding to update the Plan, because of our fiscal situation, it was not included in the budget.

Ms. Yukimura: We gave money for this Plan and this Plan has measures that to me are not really the real measures to look at. So to fund something else that is going to update it and come back with measures that do not make a difference that would be one of my concerns.

Ms. Nakamura: So if there was a good process where maybe the measures were more pertinent or something that is actually measurable or something that will actually change outcomes.

Ms. Yukimura: Right.

Ms. Nakamura: That is really where we would need to go.

Ms. Yukimura: Right.

Ms. Nakamura: It is very clear that for some of these measurements, they were not good indicators of success.

Ms. Yukimura: Right.

Ms. Koki: When we were going through this eight years or five years' worth of accomplishments in the last two weeks, we noted that we were stuck to a certain measure, but we did so much more, but it was not the measurement that we were addressing.

Ms. Yukimura: Even if you did so much more, what does that so much more lead to? Because you are having kind of an internal measurement when you say "so much more." But what did that lead to is the question? I mean, when we first started this out in 2003, we had the communities that care model and they were highly...they used the survey, the Department of Health survey, page 21 that we were looking at. But somewhere along the line, we lost track of those measures. So the question is what happened there? How did we lose track? So if there is a proposal to update this Plan, that would be one of my questions, how are we going to really do a Plan that gets us to where we want to go? How do we know whether we are getting there or not? I really believe that a plan should be flexible. So if it is not working, like if the measures are not good measures, how do we change it and stay on-track?



Ms. Koki: You know, I realize that these indicators and these measurements and all the numbers and surveys are so crucial to assess all of this, but it is again as you saw on the slide, it is just me. So in order to implement this Drug Plan, it did say it called for some staffing, which we did not get.

Ms. Yukimura: Well, I just know that now there is this whole Keiki to Career effort and that is an effort to look at more than just drug use of kids. So one of my questions is how does that integrate? If there is what Keiki to Career says it is doing and if it is supporting our young people in becoming confident, competent, caring and healthy, which all four of those adjectives, confident, confident, confident, means that drug use is not the option really. How are we getting there? Through Keiki to Career or through a Drug Plan?

Ms. Koki: Well, we have discussed that with Stacy, some of our members in our prevention team, Stacy Gillette from Kaua'i Planning and Action Alliance, who spearheads the...along with all of us, Mason has a part in there and JoAnn, that we talked about even including that in the prevention parts of our plan. She comes to our prevention meetings and presented the plan and got other members to participate in her prevention...I mean her Life's Skills and Parenting section. So that is up for more discussion. Just to clarify, last year when I put in the budget, it was not for a new Drug Plan, because I only asked for \$25,000. A Drug Plan usually costs anywhere from \$40,000 to \$50,000. It was to assess the Plan that is what I was asking for, to do all of these. Because I am sure there are more things to report here for agencies that succeeded in helping us do it, but they might no longer come to a meeting or they have changed. I mean, with this Plan in the middle of it was the economic downturn and offices that had four or five people are now down to one or two and sometimes they are not able to come to all of the meetings. We keep sending them the minutes and they keep in touch, but not all the time that they can participate. So there might be a lot of other things that we did not have.

Ms. Yukimura: You know there is a place where you mentioned doing a survey, putting that together. That is a future action, do you remember where that is? A satisfaction survey. I see one on page 67.

Ms. Nakamura: Page 67.

Ms. Koki: 67 was the part that we are going to be working on a survey instrument.

Ms. Yukimura: I do not know that committees know how to put really good surveys together.

Ms. Koki: Actually we are going to ask our boss, who is a planner to help us. She has several surveys she has used for years in her company. So we are going to try and see. Would you like to help us, too?

Ms. Yukimura: No, no, I am not a survey expert, but I mean, I am really asking a legitimate question. Surveys take a particular skill and art, if you want to get the right information.

Ms. Koki: Exactly. We had a public relations firm a couple of years back, who came up with a survey tool, but it did not really assess what the teams wanted to have in. So we still need to work in that area.

Ms. Nakamura: I would like to add too, that I think that the questions that you are asking about the satisfaction that current participants have in this pretty comprehensive program and then the whole discussion with Keiki to Career, which the County also funds, you know, I think it is a good time to have the discussion, open it up for possibilities and then see what is the best way to reorganize, if we need to, moving forward? But really take into account, that there are other initiatives going on and if it makes sense to dovetail or to coordinate further, we should be doing that.

Ms. Yukimura: Committee satisfaction with management systems, I am not even sure that is where we should be focusing on. It seems to me we should be focusing on are we getting the results in community with our youth in terms of drug use, drug prevention, drug treatment, and drug enforcement? You know, I think that issue came up with the Liquor Commission and doing their...what do you call it Theresa?

Ms. Koki: The compliance checks.

Ms. Yukimura: The compliance checks. They are not showing that much compliance you know? We do it over and over every year and we are not making really big strides. But I am convinced that there are ways to make strides in this, but we have not yet found the effective ways to do it and partly, maybe that we are not measuring what we need to measure. Thank you.

Chair Furfaro: Mr. Chock, do you wanted to add to that?

Mr. Chock: Thank you. I think what I heard from Nadine is that it is a good time for us to kind of take a step back, now that we have come to this place and looking back at the Plan and seeing it for its merits and its faults. There is a lot of opportunity here and what I would look at is how do we restructure? What does it look like moving forward? Maybe we do not take on the measurement part or maybe we do? Whatever it is, this Plan is so big, it tried to accomplish so much and the resources at times were not there. So there are a lot of community efforts out there as you mentioned, as you said Keiki to Career. I love some of the things that you talked about where they are integrated into our other Departments that were very successful. The Transportation Agency and those things that I thought they are a win-win for us. They are easy to implement. But we need to really refocus and that is what I want to hear from you Theresa, because you are the one leading it. What does it look like for you in the areas that are going to be most productive for our participation from the County standpoint? Because you know you cannot do it all. There are efforts out there in the community that we can plug into just to make it much more solid.

Ms. Koki: Well, I think using the resources that we have existing in the County, like the Workforce Investment Act, and what about prisoners? We looked at that we were so lucky to have a probation officer go to Hope Probation to KCCC and he partnered and was willing to be our Vice Chair on our enforcement group. There is only one day on the island that you would actually starve, because there are six opportunities for you to go to a soup kitchen and what we would like to make sure when someone is incarcerated their family already knows about those resources. I could get

excited about a whole lot of things but our reentry plan was done based on the visits that the Mayor and I went to the KCCC to visit the lifetime stand program and the inmates inside. The information that they told us. One of the things that came up was the cycle of incarceration and grandpa, son, and grandson at KCCC and it is one of the things that we are trying to break the chain, so to speak and we are looking into that. The re-entry program on the Big Island was funded through a grant from Public Safety and we did ours for free just working with the people that we had and we are going to start measuring our success there, because it is a new program for us. But there is another opportunity, like with...I agree with Councilmember Yukimura about Life's Skills in the schools. We have got to start going to our target audience and cannot just keep hosting events and we have to go to where the kids are. I think Vice Chair Chock you are familiar with that. You were hands-on directly to Kapa'a School and implemented your leadership program there. So working cohesively again with the Department of Education, I know their hands are tied with the curriculum and standards that they have to implement themselves, but I am sure if we all got together and talked about that, we could do great things. The other, we have to keep in mind that we just do not work with children and we work with families and we also work with kupuna. I have been working on a couple of things with Kealoha Takahashi and we do our kupuna educational thing where we have a lot of grandparents taking care of the grandchildren because the parents are incarcerated because of drugs.

Chair Furfaro:

Mr. Hooser.

Mr. Hooser: Thank you for your very in-depth presentation. I agree with the Life's Choices broad concept in terms of teaching and supporting people to make the right choices. Young people and old people. But I believe that there is a different...some choices are worse than others, and looking at the survey the Department of Health did the survey, is that it?

Ms. Koki:

That is correct.

Mr. Hooser: Okay. I noticed a lot of attention paid to alcohol and marijuana and very little paid to methamphetamine or Oxycontin. When I am out in the community, those two topics come up over and over again in terms of the most destructive of the substances that are being abused. One could argue that alcohol is more destructive, but in terms of other drugs it would be Oxycontin and meth. My question, are you able to work on those particular issues and things like...Oxycontin is prescribed by physicians and often it is my understanding that there are some physicians, perhaps abuse their prescriptive authority. Is there any kind of activity or focus on what I consider the really worst of the worst?

Ms. Koki:

Well, recently we have started this prescription drug campaign and we had youth do commercials on it about prescription drugs, and I can send you the script, if you want. They created it themselves about how you should not be sharing your medication. It was done by two students, who actually attend Kamehameha Schools, but in the summers they come back and help me with whatever. It was really interesting and we paid for it to run a month on the air, for the station, they usually listen to Pandora and not radio stations, but even to educate people in our age bracket, we went through Hits 99 and they did our commercials. We work with the Hawaiian Meth Project not directly, but they have youth leaders in all of the schools. At our recent drug summits one of the evening sessions was for the youth to come and plan their future with us and cocaine use is coming up as you mentioned and methamphetamine, which is very scary

because some of them mentioned about their aunties and uncles and parents and they started to spearhead peer education programs in schools. I think the only school that I do not have and currently working on is St. Theresa, but I have Island School youth leaders and Kaua'i High School and we will have to start going younger to middle schools as well.

Mr. Hooser: I was not able to attend the drug summit, but from reading the literature, it looked like it was marijuana-focused and begged the question why it was not or maybe there was more focus on the Oxycontin and meth, and that kind of thing.

Ms. Koki: Based on the Legislative bills going through the House and Senate, there was over 100, either medical marijuana changing laws or recreational use for marijuana. We had an opportunity to partner with the Smart Approaches to Marijuana and the Coalition for a Drug-Free Hawai'i called me and the morning session on Thursday was about marijuana. We looked at all of our bills and which ones were alive, which was only four at the time. And was called smart approaches to marijuana. We also had some nurses and a physician work on the medical marijuana part with the guy...

Chair Furfaro: Excuse me, I have to stop you right there. I let it go as long as I could without a tape change. We are going to take a five-minute tape change here. Why do not we take ten minutes and do the caption break at the same time?

There being no objections, the Committee recessed at 2:52 p.m.

There being no objections, the Committee was called back to order at 3:06 p.m. and proceeded as follows:

Chair Furfaro: We are back from our recess and tape change and I would like to do some summary and start with you, Mr. Hooser, we have ten minutes.

Mr. Hooser: Just a follow-up question. What is cost of the recent Drug Summit to the County?

Ms. Koki: The recent Drug Summit cost \$14,000.

Mr. Hooser: And those were operating funds, General Funds?

Ms. Koki: That is General Funds, correct.

Mr. Hooser: Okay and you had mentioned one of the reasons that the topic was selected was because of the Legislative agenda. Who determines the position on the County on those items? Is it the Mayor or your committee? I mean the point in case, medical marijuana, there were several bills, and I personally felt that several of them were deserving of support, that right now people who have legitimate needs for medical marijuana, do not have a legal way to get it. So I was support something of those measures and was the County opposing those measures?

Ms. Koki: No, actually we have realized for years that our medical marijuana laws are flawed. The first thing, where do you get your legal plants from? So the Mayor did say he supports the medical part of it, that is to help our sick

people and that we needed to work on that. There was a press conference as well that he talked about it. We have also been saying that for years. He has worked closely with the Police and DEA regarding marijuana. I know the DEA right now is actually helping the family get a permit for their child who has seizures to extract the oils.

Mr. Hooser: Excuse me, if you could take your conversation outside, it is probably better. Thank you. I apologize.

Ms. Koki: That is okay. We do work closely with the DEA and Police Department and feel that the medical marijuana law is flawed and needs to be worked on.

Mr. Hooser: So the policy comes from the Mayor's Office and not from the committee?

Ms. Koki: Our committee is the Mayor's Advisory Committee and they provide the education and we all talk about it and see where the Mayor is going to come up on this. I know he has sent in testimony to some of the bills.

Mr. Hooser: Thank you. Thank you, Chair.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: I want to follow-up on that.

Chair Furfaro: Your mic.

Mr. Bynum: You do not have to answer now, but I want to know as a follow-up, you mentioned the organization Smart Alternatives to Marijuana.

Ms. Koki: Smart Approaches.

Mr. Bynum: Was there any funds expended directed at that organization?

Ms. Koki: No. They came on their own. We did pay for the two speakers that came on Friday to discuss all other drugs and to train our County managers, our substance-abuse counselors and certified prevention specialists.

Mr. Bynum: You said that the medical marijuana laws are flawed and what law are you proposing to repair it?

Ms. Koki: I cannot think what the number is right now. We want to make sure that the first transaction is legal, where they can get their prescription from. We want to make sure that the caregiver part with the amount of plants that they can have is more regulated.

Mr. Bynum: So I will follow-up later. Thank you.

Chair Furfaro: JoAnn, we are on the last four minutes of the ten-minute session for them. Go ahead.

Ms. Yukimura: Page 29, where you talk about the ADAD giving us...the State getting \$11 million for four years to provide transportation. Is this just...so this is four years, what is that? \$2 million. \$2.75 million a year to the State, divided among four Counties. How much is Kaua'i getting? Do you know?

Ms. Koki: It is not divided within four Counties, but it is for Oahu and they did a pilot program and we put in for Kaua'i to be the pilot program. It is based on a fee for service for Kaua'i, so there is no set amount. It is not just for transportation, but for treatment providers including transportation. I think I mentioned earlier they can get recreational use and their treatment covered and all of that.

Ms. Yukimura: Well, if they get a bus pass for a month that covers all of their needs actually.

Ms. Koki: Access to their needs.

Ms. Yukimura: Right. Clients of treatment providers. So I would like to know how much money is coming to Kaua'i for this? And who is eligible? Is it just drug-related or do mental health people get qualified for transportation?

Ms. Koki: This is for drug treatment services. However, a lot of people have dual diagnoses.

Ms. Yukimura: If they only have a mental health and not a drug-related disorder then they do not qualify?

Ms. Koki: I believe it started with drug treatment. I am not sure.

Ms. Yukimura: It is coming through ADAD, so you would guess that. I would like to get a copy of the contract, the fee-for-service contract.

Ms. Koki: With all the provider's contracts or of the transportation?

Ms. Yukimura: If we could, I would like to see them all. You said that we are looking at slide 29, by the way. Coordinated assessment of treatment system is ongoing. Or it needs to be updated?

Ms. Koki: It is ongoing. We did not make a new one yet, but we have been taking the information.

Ms. Yukimura: Well if you are talking about a new one, what does the old one look like? Is it a document?

Ms. Koki: It is a document that was crafted by the people who helped with the Drug Plan and it is attached in the back.

Ms. Yukimura: It is attached to the Drug Plan?

Ms. Koki: Yes.

Ms. Yukimura: Or is it attached to the PowerPoint?

Ms. Koki: No it is attached to the Drug Plan.

Ms. Yukimura: I do not have mines here but I will look at it. There is one that has a date when it was accepted or whatever and it needs to be updated now. What are our plans for updating it? Is that part of the update for the Plan or is there a separate track by which it is being updated?

Ms. Koki: We update it at every meeting that we have.

Ms. Yukimura: This is the treatment committee?

Ms. Koki: Treatment and community integration.

Ms. Yukimura: Treatment and community integration committee. You update it every meeting that you have?

Ms. Koki: Every time we have something new or a new provider or new service.

Ms. Yukimura: I see.

Ms. Koki: We do a roundtable and we take that information from whatever information they give.

Ms. Yukimura: So the update is actually like you say here ongoing.

Ms. Koki: Yes.

Ms. Yukimura: It is just that you said in your oral presentation "needs to be updated" so I was wondering what that was. Maybe is the latest copy, the updated copy then available through the Drug Plan? Or can you make that available to us?

Ms. Koki: I cannot make it available right now.

Ms. Yukimura: No, no.

Ms. Koki: It is in minutes of every meeting, I am going to have to extract that information and start typing it into a document.

Ms. Yukimura: Well, it probably needs to be done, if it is a document that people refer to. Okay. If we could have that, that would be useful. As a follow-up, not right now.

Ms. Koki: Again, I am a party of one, so I do not know how long it will give me to do that, but I am really not ready to hand it over right now.

Ms. Yukimura: Okay.

Chair Furfaro: Let me make a suggestion. Would you be able to have it ready by July 27<sup>th</sup> when we are talking further in the Council session as related to the Adolescent Drug Treatment Center? Would that be fair enough to say by July 27<sup>th</sup>?

Ms. Koki: I will have the information updated as best as I can by that time.

Chair Furfaro: Okay. To the best of your ability, so we will look forward to July 27<sup>th</sup>.

Ms. Koki: Extracting information from people can sometimes be difficult, but I can certainly do my best.

Ms. Yukimura: I know that the Adolescent Drug Treatment Center there was talk about it being parts of the continuum of care. So it would be timely. Thank you. That is it. Thank you.

Chair Furfaro: Okay. Ladies, I just want to say thank you very much for your presentation. We will visit more on this on July 27<sup>th</sup>, but for the discussion here, I would say that is all there is. I do want to point out after the review of the Police budget, there is the \$50,000 in KPAL in the budget line for Police. So I would be very interested in how your working with them on extracting staff support will be mutually beneficial for all. Thank you very much. Okay. We are going to go now into the Public Works, Solid Waste Division and I am going to ask Mr. Dill to come up and Paula thank you very much for being here with the Drug Treatment Facility of the Life's Choices program. Thank you.

There being no objections, the Committee recessed at 3:16 p.m.



There being no objections, the Committee was called back to order at 3:16 p.m., and proceeded as follows:

**Department of Public Works, Solid Waste Division**

Honorable Tim Bynum  
Honorable Mason K. Chock, Sr.  
Honorable Gary L. Hooser  
Honorable Ross Kagawa  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro, Council Chair

Excused: Honorable Mel Rapozo

Chair Furfaro: Just to start this meeting, I do want to say that I am looking for an apology for the conversation that was going on in the corner there while Theresa was interacting with the Council. Please in the future, remove your discussion to outside the Chambers. Could I get an acknowledgment on that?

There being no objections, the rules were suspended.

LARRY DILL, P.E., County Engineer: I apologize for the distraction, Chair.

Chair Furfaro: I will say that I may have to turn this meeting over to Vice Chair Chock as we go forward here, but I have a couple of pieces that I just want to say. It is something that we do not say enough sometimes, but I want to make sure everybody understands with the Solid Waste budget, which has grown...which has grown...listen to this...from \$12.1 million in 2010 it has grown to almost \$16 million. Okay? That is \$4 million in four years. Now is there any good news in that message? There is some, because as we have raised fees, and done things from diversion and other collections and so forth, the good news for this is we went from \$7.9 million of the money coming from the General Fund to Solid Waste has actually remained the same or a little less. We are only going to look at this budget for \$7.7 million coming from the General Fund to subsidize this new \$15,795,000 Solid Waste. So my message here, the money coming from General Funds for four years has pretty much remained flat. All of the efforts we have had in collecting other money, raising fees and so forth has really offset the \$4 million increase that we have had in managing Solid Waste. It is pretty clear to me when I just look at numbers, not all of the activities going on. So we have some success there. Your part is very well-accepted for all of you have done Allison, but I want to make sure, we all understand all we have done is we have frozen the amount that has come from General Funds to subsidize Solid Waste over the last four years. There were some very specific questions for the call-back here dealing with revenues and more appreciative of some of the cost control measures that you folks can share with us is what I am looking for. Are we going to have an opening statement? If I slip out, I will give the meeting to Vice Chair Chock.

Mr. Dill: Yes, Chair, for the record, Larry Dill, County Engineer. We do have a presentation to address some of the questions that came back to us, a PowerPoint presentation. Allison since it deals with waste diversion and recycling, will provide that to us.

Chair Furfaro: Allison, you are making the presentation?

ALLISON FRALEY, Solid Waste Program Development Coordinator: Yes, I am, Chair, thank you.

Chair Furfaro: Mr. Chock, would you run the meeting?

Ms. Fraley: For the record, Allison Fraley, Program Coordinator Solid Waste. I wanted to address a couple of questions that came up when we presented at budget originally. There were some questions how we calculate the recycling rate and also about our promotional budget? So how we calculate the recycling rate is actually a formula that is followed throughout the country. There is a methodology that is developed by the EPA, for tracking the items that are recycled. Here is the calculation in green. So what you do, you add the...you divide the recycling figure by the total generation, which is what is recycled and what is landfilled. You multiply it by 100 and you come up with the percentage of what is recycled. So the recycling rate includes private sector activities, and also what is back hauled and what "back-hauled" means is that the large retailers on Kaua'i and the other islands send back shipping containers filled with cardboard pallets and film plastic and that is part of the overall diversion on Kaua'i. So we count that. Maui and Oahu use similar tracking methods and have actually pretty much the same recycling rate that we do. We are proud as a small island to have high rates like they do on Oahu. Here is the actual figures for our overall diversion rate, and this is including residential and commercial, which I will go into as well. So last Fiscal Year 2013 there was 77,566 tons of refuse that went to the landfill. Before the refuse went there, 56,364 tons of material was recycled. So here you have your total generation rate when you add those two figures. If you apply that calculation, we have a recycling rate of 42% overall. So what is interesting when you look at...we also calculate what is residential and what is commercial. When you look at the residential recycling rates, which are residents produce 45% of the garbage that goes to the landfill. This is what we found when we did the integrated solid waste management plan, waste composition study and this is what we see when we pick up from our routes and transfer through the transfer stations. So for the...and also, when we track the residential recycling rate we are looking at County-funded programs and namely our County-funded programs are for residents. So we had about almost 35,000 tons of garbage going to the landfill from residents and our programs captured almost 26,000 tons. We have our total generation there. The residential recycling rate is about the same as the overall recycling rates. I did want to show you what these programs are, and how much tonnage they capture. Here on the screen, you can see that green waste captures the majority of the recyclables. We are tracking backyard composting through surveys to people who have accepted bins that is another big chunk as is scrap metal. Unfortunately we are not able to differentiate between residential and commercial scrap metal. However, it is a County-funded program and that is why all of the tonnage is included here in the residential recycling. So here are the figures. I did this as an aside, because I knew it was an issue that Council people and everyone is concerned about is what is the cost per ton for recycling? So here we are looking at all the programs that the County funds and mainly residential, like I said. What our budget request is for next fiscal year, for these programs? So the projected costs of the programs, as well as the anticipated tonnage that we expect to capture through the programs and here we have a calculation of the cost per ton for each individual program. As you can see, the cost of green waste is the lowest. Good thing, because that is where we capture most of the waste anyway. So that is nice to see. But every program varies and it has to do with regulations, competition. There is a lot...these are all competitively-bid programs, but there is a lot that goes into these programs. So that is why they differ in costs. But back to the calculation of the recycling

rates. Here we have the commercial recycling rates, which businesses produce about 55% of the waste stream that goes to landfill. Again, that is determined by our integrated solid waste plan study. Most of these commercial programs are funded from the private sector. Last fiscal year there was 30,488 tons of material that was recycled by businesses. 42,661 went to landfill. So you have your total generation with the commercial recycling rate that is about the same as the residential...about the same as the overall. I wanted to show you how this is happening, where these numbers are coming from? As you can see, green waste again...and so the green waste here is what is taken directly to our permitted composting facilities on-island, what they report to the State. A big figure for concrete and asphalt that is construction debris and HI-5 redemption. We are not able to separate, but since it is mainly privately-funded we are counting the HI-5 under commercial. This is how it works as far as the last six years what we are seeing is landfill...so the black line is the transfer...what actually goes to the landfill. It was high six years ago. It went down but it is starting to trend back upwards. The green line is what has been recycled over the last six years and you can see that is a definite trend upwards. Then the needs we have, the actual recycling rates during these years. So as these lines merge together you will get a higher recycling rate. That is the presentation about the recycling rate and how we calculate it. If you have questions about the recycling rate, I would be happy to answer those now.

Mr. Chock: Do we have questions on this part of the presentation? In speaking for, I think Councilmember Rapozo, I think what his thought process was to look at the cost for the private vendors that we are employing and what it might cost us to do if there was a cost-savings? That is why he was trying to take the figures and determine what was really the refund and so forth, taken into consideration what you would get back from the recyclables? So can you verify that? I think that is what his question was the other day what he was trying to get clear on? Maybe that is something that we can look at in the future for him or verify can him. Anyone else? Councilmember Kagawa.

Mr. Kagawa: Can we ask questions on her presentation?

Mr. Chock: Yes, on the presentation.

Mr. Kagawa: Thank you for your presentation and I guess remarks to some of the questions that were brought up. You said residents use about 45% of the waste stream?

Ms. Fraley: Yes, they produce that much.

Mr. Kagawa: So the residents are very important in the recycling efforts.

Ms. Fraley: Yes.

Mr. Kagawa: It is a big question for everyone on the island, but as we were coming up on these problems, I take a good look at when I go to my friends' house and look in their rubbish cans and see a lot of \$0.05 things in their rubbish and I am kind of embarrassed to go and pull them out, but in some cases I actually do, not because I need the \$0.05, but because I feel like every resident knowing the predicament we are in, knowing that this is the island that we love, that we need to go 100% at home and I mean all of the ones not being lazy and taking it down to Kmart or wherever we have the bins. How do we change that? Even when I look at our County parks, the trash bins, I see even

\$0.05 recyclables in there. We want to not have the homeless keep looking through our rubbish cans, but they do us a service, but sometimes they take them out, but leave the rest of the rubbish on the ground, which our caretakers are not happy about. How do we go...I want to get better than 42%? If we are doing 42%, great, but what I see in people's trash that they are throwing that is going into the landfill, I think we can do...if 42% is the mark, I think we could go 60% already by changing every single residents' mentality and for everyone to do 100%. How do we change that? JoAnn had the proposal that pay as you throw would force it. I think some people have change without being forced, but how do we spread that aloha so everybody does it? Even though it is a little inconvenient.

Ms. Fraley: There are many ways, but our short-term plans are pay as you throw because you provide an economic incentive for people to reduce their waste streams. So the more you throw away, the more you pay in the garbage...the less you throw away, the less you pay and that would be our first step to incentivize people to recycle and convenience is really important, too. So you mentioned taking the trouble to go to Kmart, where the bins are. Being able to have curbside recycling would really make it easy for people to do the right thing and participate in recycling programs.

Mr. Kagawa: I guess the curbside is going to be an additional cost to our County. We want to do it in ways where the people do it, so we do not need more workers and gas and equipment to do the job, right? If we go with curbside that is additional costs that we need...huge costs probably of manpower and equipment, right?

Ms. Fraley: Well you also increase the amounts of tonnage that you get through the programs. So the per ton costs does not increase.

Mr. Kagawa: Again, just by looking at a lot of residents' rubbish cans and not to be snoop, but it is clear to me there is a lot more to go as far as the public buying into to recycling and putting the bins there to me is not enough and we have to somehow educate and force it upon them in what may be more education in the schools.

Ms. Fraley: Exactly. That actually segways into the next part of my presentation, which is increasing awareness.

Mr. Kagawa: Thank you. Thank you, Chair.

Mr. Hooser: I think it is a very good presentation and I appreciate it. The cost per ton of the various recycled items, what is the cost per ton to landfill them if we were just going to bury them, what is the real cost?

TROY TANIGAWA, Environmental Services Management Engineer: If you are just looking at the landfill operation, it is difficult. You cannot just look at the landfill operation, I should say. The cost per ton is closely related to our tipping fee. In fact, our recent analysis of that cost indicates that it is above at or above \$119 a ton.

Mr. Hooser: \$119.

Mr. Tanigawa: That is correct.

Mr. Hooser: That is about what the tipping fee is?

Mr. Tanigawa: No, right now it is \$90 a ton. We have proposed an increase to the tipping fee to \$119 per ton.

Mr. Hooser: So if you calculate the space, the value of the real estate in the landfill and the cost it takes to maintain it and everything, so it is about \$119 a ton, you would say? Is that close enough?

Mr. Tanigawa: There are different components to that cost. Just the capital improvement cost is one component. Other components that come into play include these programs that we have to conserve that capacity, our recycling programs, all of our administrative costs and those things. So there are all of these different parts that fit into this \$119 figure that we have been talking about now.

Mr. Hooser: The budget request for the various recycling programs is that...I probably should know that, but is that consistent with last year? Is this new money? There is \$1,350,000 for green waste...is that something year-to-year that you always ask for and get pretty much?

Mr. Tanigawa: Pretty much. There is a difference for what we have asked for this year compared to last year, because of some of the costs...how can I put it? It was cost measures that we put in to meet budget figure goals.

Mr. Hooser: Happy Earth Day. It is being celebrated around and this is a topical topic here and Pat Gegen had sent us information and suggested some Counties have surcharges that are dedicated to recycling and diversion programs. Does the County of Kaua'i have anything like that?

Ms. Fraley: Not at this time.

Mr. Hooser: If you could just briefly...what is the difference between a surcharge and just raising the tipping fee? A surcharge would be dedicated to something, perhaps, that is the biggest difference?

Mr. Tanigawa: The way that we have seen it in the other islands, it is a percentage of the total tipping fee. So I believe City and County's surcharge is 12%. Maui County also has a surcharge, but I do not recall what that is, but they apply it by percentage.

Mr. Hooser: Okay. I think I saw somewhere that \$5 million, is that number used for recycling or no?

Ms. Fraley: Right now just the budget request for next fiscal year is about \$3 million for the recycling programs. However, there are administrative costs and other things that really do add.

Mr. Hooser: So \$3 million plus for the recycling program, plus these items?

Ms. Fraley: No.

Mr. Hooser: This is the \$3 million.

Ms. Fraley: Plus the staff cost to run the programs, administrative.

Mr. Hooser: Okay.

Ms. Fraley: I wanted to mention too, that the cost that per ton cost for the recycling programs that I showed include hauling and processing. So it is all inclusive.

Mr. Hooser: Thank you. Thank you very much. Thank you, Chair.

Ms. Yukimura: Thank you. It is a very excellent, easy to understand report, thus far. Thank you very much. On your slide 3, so by the way you explained to us how you get the formula, the recycling tonnage includes back fill?

Ms. Fraley: Yes, it does.

Ms. Yukimura: You call it back-fill or back-haul?

Ms. Fraley: Back-haul.

Ms. Yukimura: Yes...that would be too landfill-ish. I guess what was most troubling and I guess as a naive assumption that as the percentage recycling went up then the amount that goes into the landfill would go down. That was my naive assumption. If you look at slide 9, which is up there right now, our percentage is going up, but the amounts in the landfill is going up as well.

Ms. Fraley: That can happen. It depends on the economy and you know.

Ms. Yukimura: I want to see zero waste when our economy is hot. To me that is our goal. I was hoping to buy more time on our landfill, but to do that the volume or the tonnage, whatever you measure is has to start going down. So it seems to me if zero waste is our goal and that is my goal, we have to have some other strategy or we have to accelerate our efforts.

Ms. Fraley: We have our strategies. I mean it is going to take an investment in infrastructure. It is going to take ordinances passing. We are showing you the strategy.

Ms. Yukimura: You have shown me the strategy for increasing the recycling rate, but I have not seen the strategy for decreasing the volume that goes into the landfill.

Ms. Fraley: Well, the strategy is for 70% and it assumes an increase in generation. It does assume an increase in the generation and the landfill will go up a little and continue to go up, but the recycling will go higher. We are accounting for landfill when we are looking at that 70% goal. We are not assuming it will just be flat at the landfill.

Ms. Yukimura: Well, I am looking for it to go down and so I am realizing that a percentage goal is not the way to get it to go down. I am not sure what it is, but that is my assumption all along that if we are increasing the percentage of recycling we are going to be able to start to decrease the amount that goes...and that would be true if we are not generating...we do not continue to increase the amount we generate, right? Of waste? If we did not increase the amount of waste that we generate and we increased our recycling rate, or our diversion rate with, you should decrease the amount in the landfill.

Mr. Dill: I agree with you Councilmember. That is a good point. Certainly, a significant component to decreasing that rate is the recycling rate. You can see we are working on increasing that rate and we have other programs and components of that that we are proposing to Council, as we mentioned the C&D and commercial recycling ordinance and all of that will continue to eat away at that. The challenge is, and my understanding, from our discussions with experts in the field, is that it is often an unfortunately a general reflection of the economy that people generate more waste as the economies improve. A lot of that is a nice segway into the next portion of the presentation that I think a lot of that speaks to outreach and awareness to prevent those habits from growing in people.

Ms. Yukimura: When we had the conference in Solid Waste at KPAC about four years ago at the Kaua'i Performing Arts Center, maybe five, six years ago and we had the education person from Seattle come down and speak, it was very clear that you cannot do it with just these different...without the public education component. So I am glad that we are going into that next, but I am also thinking that when we call it "recycling" we actually are...there is a difference between "recycling" and "diversion." diversion" includes source-reduction, not just generating it, but it stops the upstream thing. Those ordinances that you are bringing forth may or may not help with that. There may be...that may be the guidance to us about where we need to look to get more leverage in reducing the amount that goes into the landfill. That may take much more than what a County can do, but I am thinking that we need to be looking at that, because I feel like there have been certain assumptions that are not really correct, that I have been making and I take responsibility for that. I think that is all the questions I have on this part. No, one more question. On the landfill cost, Troy, that you gave us \$119 per ton. We think that is the actual cost of landfilling?

Mr. Tanigawa: Based on our analysis of costs, currently that is the number.

Ms. Yukimura: But that covers payoff...our mortgage, or bond...our interest on the bond, the capital costs? Does that include that?

Mr. Tanigawa: It includes the capital costs.

Ms. Yukimura: Okay. Does it include the closure costs, the 30-years afterwards?

Mr. Tanigawa: Yes.

Ms. Yukimura: It does. Okay. So it is a pretty all-in cost?

Mr. Tanigawa: Closure, post-closure cost.

Ms. Yukimura: Operating costs, all of that?

Mr. Tanigawa: Yes.

Ms. Yukimura: Very good. Thank you.

Mr. Chock: So you can continue on your presentation.

Ms. Fraley: So when we came to budget there was a question about our promotional budget request. So I just wanted to cover that briefly. Last year we had a very minimal request of only \$10,000 and we are increasing the request to \$60,000 for the whole year. I wanted to show you how we plan to spend it. So we are going to be proposing the pay as you throw ordinance and we are hoping that that will pass and if it does, there will need to be a fair amount of outreach and education about the different rates and different cart sizes and what is coming up for customers. So we will need to directly outreach to our customers and let them know about it. Also, ongoing promotion of our recycling programs is very important. We do a lot already which I will go over, but all we are asking for is some radio ads and newspaper ads and graphic design and printing that can really help people participate in the programs and make them aware of the programs that exist and help them participate. So the programs that we are hoping to promote ongoing in our public awareness are listed here as you can see, we have many programs to tell the public about. It is going to be difficult to only spend \$40,000 telling people about all of this stuff, but we are hopeful that we can do it. I wanted to point out that we do program outreach that does not cost the County money except for the staff time that it takes us to do it. So here is what we do in our Office without a budget really or with a very small budget we maintain a recycling hotline and get dozens of calls and we have our website that details information on all of our programs and keep it updated on a daily basis. We do in-house printing and distribution of our Kaua'i Recycles guide, which is about 30 pages. It is a small booklet and we give it out at special events and through the transfer stations, neighborhood centers, and other locations like that. We issue news releases through our Public Information Office. We participate in live radio interviews and on all the media outlets. We present to schools and associations and groups upon request. We appear on the Mayor's Show and the Mayor has outreach that is continually updating the public on recycling programs and we have our recycling booth at the County Fair. Today we were at Earth Day and other events where we really feel like we get a bang-for-the-buck as far as how many people would be there and how we can outreach to the public. So measuring the effectiveness of our promotional efforts is really challenging because the short-term is how many people listened to the radio that day? How many people saw the ads? What we are trying to do is impact behavior. We need to continually invest, both in these radio ads and getting the word out, keeping that awareness up. We also do what we can with our staff at no cost to be able to get that information to the public. So we are hopeful that you would approve the request. That is it.

Mr. Chock: Could we please have the lights back. I am kind of stuck back on the last part of the presentation. I know it is impossible to sift through everything as it comes in, especially because we do not have our MRF yet. Do you think legislation that moves towards fines for those who are not recycling would be beneficial or not?

Ms. Fraley: You mean residents?

Mr. Chock: Yes.



Ms. Fraley: What we have seen is that municipalities do not pass those laws until there is convenience in place. So once we had curbside recycling, then you know, down the line we may consider mandatory recycling for residents. That is what we have seen and that is what I think is fair. Of course we have to make an administrative and you guys would make the call on that.

Mr. Chock: So we would have to set up the system for them to succeed.

Ms. Fraley: They do that in other municipalities that have had curbside recycling in place for many years.

Mr. Chock: Thank you. Further questions on this? Go ahead.

Mr. Kagawa: Thank you, Chair. So pay as you throw, if you can briefly kind of explain that? Right now residents with the automated pick-up we pay \$12 for the bin, pay \$12 a month for the service of getting picked up. If you do not have the automated service, you just pay \$12?

Ms. Fraley: Right it is based on volume as well.

Mr. Kagawa: You put your bags out there, any amount and they will pick it up.

Ms. Fraley: Not any amount. It is a 96-gallon limit for both automated and the manual and our workers actually look at that and they will not pick up more than 96-gallons at this time.

Mr. Kagawa: So now the pay as you throw is that another bin?

Ms. Fraley: Yes. So what we are planning to present to you soon is the first phase of the pay as you throw, which is we would offer a smaller cart to customers, 64-gallons instead of 96. And if they got the smaller cart they could keep the same \$12 fee. That is what we are proposing.

Mr. Kagawa: If you want to keep the big cart?

Ms. Fraley: It goes up to \$21. So that would provide an economic incentive.

Mr. Kagawa: \$9 a month more, from \$12 it goes to \$21 for the size that we have now?

Ms. Fraley: Yes.

Mr. Kagawa: But if you want to go with half the size...half the size is \$12.

Ms. Fraley: 64 and 96.

Mr. Kagawa: Oh, it is not half. It would be 64, like two-thirds the size.

Ms. Fraley: Yes, two-thirds of the size. Yes.

Mr. Kagawa: Okay that is still not going where I wanted in terms of the recycling. So pay as you throw has nothing do with blue recycling bins.

Ms. Fraley: So that is the first phase. Once we have the MRF and have recycling, there will be a second phase where we offer an even smaller cart sized option. The 32, 64, and 96-gallon cart options and you pay accordingly. So going to the smaller cart, you would still pay \$12 and medium would be more and the larger would be even more, but at least you have options to recycle at the curb at that point.

Mr. Kagawa: When the pay as you throw jumps in, will something be happening to the residents' ability to throw rubbish at the transfer stations?

Ms. Fraley: That is all included in the base fee. We do charge a \$6 base. So anyone can use the transfer station and there is an additional \$6 that makes up your \$12 for the collection service. So in the future, I think what we are planning is that yes, residents can still use the transfer stations for free because they are paying the base. They are all paying the base fee and that covers the transfer station costs.

Mr. Kagawa: So the thing is I do not know if you are meeting the end goal of recycling because if their bin fills up, they can still throw all the rest of the rubbish in their truck and take it down to the transfer station?

Ms. Fraley: We do not have to transfer it and that transfer is a considerable part of the costs. I mean we can talk about this when it comes up, but our pay as you throw plan did recommend that we keep it free at the transfer stations. So that is definitely something to consider.

Mr. Kagawa: I do not want to be Debbie Downer here, but the thing is to me, all you are doing by reducing the bin size and charging the same amount of money, \$12 for a can two-thirds the size, all you are doing is finding a way to charge the residents with no money. We are not improving the recycling efforts. That is what concerns me, but that is just my concerns right now.

Mr. Dill: If I may address that a little bit now, Councilmember. First of all we are still working on the number and the numbers we are talking about are tentative. Until you see us come forward with the bills and the numbers in the proposed bill, the numbers dollar wise are tentative. So we need to confirm that. Secondly you made a very good point and I agree, you go to your friend's house and see a lot of potentially recyclables in their trash and we want to make sure they are put there instead of the trash and the pay as you throw is to help people do that now. When the curbside recycling comes up, it will add a much greater convenience factor and hopefully we will see a lot higher recycling rate when that comes on board.

Mr. Kagawa: I understand. Thank you.

Ms. Yukimura: I first want to say that I know how hard...well, I probably do not know how hard, but looking from the outside, I can see that your Division is

working really hard and I want to thank you all of you who are doing that. I use your recycling hotline, too. So I know and I have heard you on the radio. I just wondered whether we have looked at what a model program is? Whether we are moving...trying to move in that direction? A model public education outreach program?

Ms. Fraley: We attend conferences. We get to network with people throughout the country who run programs, and I think that our program is really up to par with some of the better programs.

Ms. Yukimura: Well you do not have anything about social media and using that? I wondered if there was a way, the Planning Department is now using hash tags.

Ms. Fraley: You are right, I went to a conference last summer where they talked about social media and having apps is the big deal and people do not go on the computer, as much as they use their iPhones and cell phones and apps is a big way to go. That does require an investment. It is something to consider. But now we have such a bare-bones budget for promotion, it is not something that is affordable at this time. But it is definitely something that we are keeping our eye on, because it is the future.

Ms. Yukimura: Think it through and cost it out and maybe fund it with a surcharge, but from all I learned it is an essential piece. The public education and outreach is an essential piece and without it will not change behavior. Putting the system and structure and the pay as you throw with the convenience of curbside recycle and a really good educational program that will do it. So I know that is a lot, but I am thinking if that is what it takes, I invite you to propose it. Then the other thing is the outreach to children, I am remembering former Councilmember Joe Munechika telling us that he quit smoking because his sons asked him to quit smoking, and you know, I know in Seattle, they usually use some character, some Smokey the Bear type of character, that becomes associated with the education. I do not know if we have to go that far or how do it, but that was a big part of some of the programs I saw. Then lastly, I just want to say, if I go to Times Supermarket in Kukui Grove and there is a bring-your-bag poster, but I do not know how many people see it, because I do not think the design is designed to catch the eye and to be catchy and everything. I mean, that is the kind of edge, again, that you are going to have to think about in terms of an effective program. I really like your thinking that the real goal is impacting and changing behavior. So good for you that that is your indicator; that the ultimate measure is whether we change behavior, and not how many exposures, although I am sure there is a scientific connection between exposure and education anyway. I do have one more question about the previous part, if I can remember it. You know the commercial recycling rate is about the same as residential, but we do not spend as much money to achieve that rate. We do not spend as much public money to achieve that rate as we do to achieve?

Ms. Fraley: We have ordinances in place that impact that behavior. So at the landfill, we restrict green waste, metals, and cardboard and we have seen the recycling rate go up significantly because of that. So I think we do not necessarily have to spend money to get these to go up. You need to have ordinances and you need to enforce them.

Ms. Yukimura: I am sorry, I am waiting for something from the Legislature. Still regulation is not costing, as much as having to put out all of these sites or

provide curbside recycling. I mean, you are actually achieving your goal with the business community through regulation, which I think is less cost than residential?

Ms. Fraley: It is. It is normal for municipalities to put their money into residential programs and still have high recycling rates for commercial because of ordinances. You know those residential programs, I have them up here on the board, a lot of them are toxic waste that need to be managed by the County. Those are their high-cost programs. Per ton that is, the overall cost is pretty low like propane tanks for instance.

Ms. Yukimura: Thank you for pointing that out. I was noticing it was a \$6,000 per tonnage cost.

Ms. Fraley: It has to do with managing and hauling that waste.

Ms. Yukimura: You will not have that problem with liquid natural gas because it is a different kind of service infrastructure? I am just wondering.

Ms. Fraley: I do not know.

Ms. Yukimura: Because that is the direction.

Mr. Dill: Liquid natural gas to fuel our fleet?

Ms. Yukimura: No, there is say a proposal from The Gas Company to have it by pipes in a subdivision. That is what I have heard. I am at the beginning of the learning curve on that. The thing is that we have to pay more...it costs the County more, the government more to get the recycling results and part of it is because it is individual actions. I mean, the business community is much less per ton.

Ms. Fraley: Yes. Well they are required to manage their hazardous wastes, those are your high-cost programs and we restrict the material. We do not restrict material from residents at this point because they do not have the convenience.

Ms. Yukimura: Thank you. I am just trying to figure it out.

Mr. Chock: I had a follow-up question and Council Chair Furfaro talked about how the budget has increased significantly over the few years. I know it is because we need to get some of these programs moving along. So could you provide more of a time frame, in terms that I am assuming that we will get the programs together and get things moving strongly? That some of that budget would then either plateau off or decline. Could you speak to that briefly?

Mr. Dill: That is a difficult question to answer here without a fair amount of preparation. I can tell you though that ever since this body passed the Zero Waste Resolution and established a goal of 70% waste diversion by 2023 we have been considering that exact question and looking at programs. When we project them to being implemented? How long it takes them to go to a point of maturity as Allison mentioned earlier and also keeping in mind that waste generation tends to increase and with all that in account, trying to meet that 70%, which is a very aggressive and ambitious goal, but nevertheless, we believe it is possible. But a lot of things have to fall in place,

including funding, but there is a lot of detail and assumptions that go into that and I do not have that information ready right here.

Mr. Chock: Our goal is for 2020 to reach?

Mr. Dill: 2023.

Mr. Chock: 2023...sorry, I forgot the 3. Any further questions Councilmembers? If not, thank you so much for the presentation. I think that is it for our agenda today. Some brief announcements, tomorrow we will be addressing Revenue Forecasting, Parks and Recreation, which include the Convention Hall, Golf Course, and Waimea District CIP and also Economic Development, Energy and WIA and the Mayor's closing comments. So stay tuned for the grand finale tomorrow. We will be recessed until tomorrow morning 9:00 a.m.

There being no objections, the Committee recessed at 4:07 p.m.